

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

UGOCHUKWO GOODLUCK NWAUZOR,
et al.,

Plaintiffs,

v.

THE GEO GROUP, INC.,

Defendant.

STATE OF WASHINGTON,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

)
)
)
)
) 3:17-cv-05769-RJB
) 3:17-cv-05806-RJB
)
) Tacoma, Washington

) June 1, 2021

) Jury Trial

) 9:00 a.m.

) Jury Voir Dire

VERBATIM REPORT OF PROCEEDINGS
BEFORE THE HONORABLE ROBERT J. BRYAN
UNITED STATES DISTRICT JUDGE

Proceedings stenographically reported and transcribed
With computer-aided technology

APPEARANCES

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MORNING SESSION

JUNE 1, 2021

THE COURT: Okay. Do we have all the lawyers now?

THE CLERK: I assigned everyone. They might be making the transition from the main session to this one.

THE COURT: Can you all hear me now?

MR. WHITEHEAD: Yes, Your Honor.

THE COURT: I want to make a record as to where we are. This is in combined Cause Nos. 17-5806 and 17-5761.

THE CLERK: Your Honor, can I double check that Angela Nicolavo has been able to join this room and she's prepared to report?

COURT REPORTER: Good morning. Yes, I am online and ready to go.

THE COURT: For the record, this is combined Cause Nos. 17-5806 and 17-5769, State versus GEO and Nwauzor versus GEO.

Are the parties ready to proceed for the State?

MS. CHIEN: Yes, Your Honor. This is Marsha Chien for the State.

THE COURT: And for Nwauzor.

MR. WHITEHEAD: Yes, Your Honor, Jamal Whitehead, and we are ready to proceed.

THE COURT: And for GEO?

MS. MELL: Yes, Your Honor, Joan Mell,

1 Adrienne Scheffey and Larry Silverman.

2 THE COURT: Okay. After our first little glitch here
3 this morning, I guess we are ready to introduce the case to
4 the jury. You can bring the jury in.

5 THE CLERK: The juror questionnaires were emailed to
6 counsel a few minutes ago. I am getting bounce backs from
7 the State of Washington email addresses because it says the
8 file is too large.

9 MS. SCHEFFEY: Could you upload it to Box?

10 THE CLERK: Yes. This will take a minute to get the
11 copy printed for you. I think we should be ready to go in
12 about five minutes. It will take a minute to get it uploaded
13 to Box as well.

14 The jury questionnaires are printed out. I will talk to
15 Julie about getting them to you. The items have been
16 uploaded to the defendants and now the plaintiffs. I just
17 put them in the exhibit folders on Box. I will take care of
18 them later and remove them. If you want them, download them
19 from there. We are ready in that respect.

20 Judge Bryan, do you want me to take a minute and make sure
21 yours are printed out? The juror questionnaires?

22 THE COURT: I guess we need to know.

23 THE CLERK: Okay. Just a moment.

24 THE COURT: I have, on my screen, about 25 jurors.
25 Where are the rest of them?

1 THE CLERK: They'll be on separate screens, if you
2 move your mouse over the screen, there should be a little
3 blue arrow on the right side or left side so you can flip
4 between the three screens of participants. When we break
5 into smaller groups, everyone will be able to fit on the
6 screen but not at this moment.

7 THE COURT: Okay. Ladies and gentlemen, we will
8 start here this morning after a little delay. We are
9 conducting civil trials remotely using this Zoom platform
10 because of the pandemic and the problems that have arisen on
11 account of the pandemic.

12 There is a good thing about doing it this way and that is
13 that you won't be required to come into the courthouse every
14 day, but the jurors that end up sitting on this case will
15 participate by computer from your home and your private space
16 or office.

17 The obligations of jurors will be the same as if you were
18 in the courtroom. You must be able to give these cases your
19 full attention from 9:00 to 4:00 throughout the trial and you
20 must follow all of the orders of the Court and instructions
21 from the Court and court staff.

22 The first order of business today is for me to tell you a
23 little bit about the cases we are going to try and to
24 introduce the participants in the trial.

25 We have joined two cases together for the first phase of

1 this proceeding because the two cases share common issues.

2 After those issues are resolved, the same jury may be
3 called upon to hear a second phase of the case. The
4 plaintiff in the first case is the State of Washington.

5 I don't know if you can see the lawyers -- Tyler? Tyler
6 is my courtroom deputy clerk who you may have met before.

7 THE CLERK: Yes, sir.

8 THE COURT: The lawyers for the State of Washington
9 are Andrea Brenneke, Marsha Chien and Lane Polozola. If you
10 don't see them now, you will shortly.

11 The plaintiffs in the second case are Goodluck Nwauzor and
12 Fernando Aguire-Urbina. Their lawyers are Jamal Whitehead
13 and Adam Berger. The plaintiffs are here on their own
14 behalf, and Mr. Nwauzor as the representative of a class of
15 other people.

16 Their claims are described as a class action. A class
17 action is a lawsuit that has been brought by one or more
18 plaintiffs on behalf of a larger group of people who have
19 similar legal claims. All of these people together are
20 called a class.

21 In a class action, the claims of many individuals can be
22 resolved at the same time instead of requiring each member of
23 the class to sue separately over the same issue. Because of
24 the large number of possible claims that are in this case,
25 not everyone in the class will testify. The evidence in the

1 trial applies to all class members. All members of the class
2 will be bound by the results of this trial.

3 In the second case, in the class claim, the class consists
4 of the following: all civil immigration detainees who
5 participated in the voluntary work program at the Northwest
6 Detention Center at any time between September 26th, 2014,
7 and the date of final judgment in this matter.

8 You will hear more about the voluntary work program and
9 the Northwest Detention Center in a few minutes.

10 The defendant in both cases is The GEO Group,
11 Incorporated, a corporation that is often just referred to as
12 GEO.

13 GEO's lawyers here are Joan Mell, Adrienne Scheffey and
14 Lawrence Silverman.

15 The parties have agreed on certain facts. These facts
16 will give you a background of the issues in the case.

17 The following facts are admitted by the parties: GEO owns
18 and operates the Northwest Immigration and Customs
19 Enforcement Processing Center, which was known from 2005 to
20 2019 as the Northwest Detention Center, or known as "The
21 Center." It is located at 1623 East J Street in Tacoma,
22 Washington.

23 Since October of 2005, GEO has contracted with U.S.
24 Customs and Immigration Enforcement, also often referred to
25 simply as ICE, I-C-E, that's part of the Department of

1 Homeland Security, and the contract was to provide civil
2 immigration detention management services at The Center for
3 adults held in administrative custody as they await
4 immigration status review by ICE and the federal judiciary.

5 GEO has expanded the capacity of The Center. The Center
6 initially had the capacity to house between 500 to 800
7 individuals. In July of 2006, GEO expanded The Center to
8 house up to 1,000 individuals. In October 2009, GEO expanded
9 The Center a second time so that it now has the capacity to
10 house up to 1,575 individuals.

11 Pursuant to The Center contract between GEO and ICE, GEO
12 provides detention services to ICE, including, but not
13 limited to the building management and administration
14 security, clean and vermin-free facilities, food service with
15 three nutritious meals per day, clean uniforms and bedding,
16 and barbershop and grooming services.

17 Pursuant to The Center contract between GEO and ICE, GEO
18 is required to perform in accordance with specific statutory,
19 regulatory, policy and operational constraints, including the
20 ICE Department of Homeland Security Performance-Based
21 National Detention Standards, as well as all applicable
22 federal, state and local laws.

23 The Performance-Based National Detention Standards, and
24 its predecessor the National Detention Standards, is a set of
25 standards developed by ICE to ensure that all entities it

1 contracts with provide safe and secure facilities.

2 Performance-Based National Detention Standard 5.8 requires
3 that GEO offer detained persons an opportunity to work in a
4 voluntary work program or VWP.

5 Since October of 2005, GEO has offered detainees positions
6 in its voluntary work program. On a given day, there could
7 be as many as 470 positions for detainees in the voluntary
8 work program at The Center.

9 While detained, detainees do not have the opportunity to
10 leave The Center or work outside of The Center unless
11 explicitly authorized by ICE.

12 GEO does not review whether detainee workers have work
13 authorization when reviewing their requests or applications
14 for positions in the voluntary work program.

15 GEO maintains job descriptions for voluntary work program
16 positions. Positions that are available to detainees in the
17 voluntary work program are varied, including in the kitchen,
18 in the laundry room, cleaning of common areas and cutting
19 hair in the barbershop.

20 GEO provides detainees in voluntary work program positions
21 with all equipment, materials, supplies, uniforms and
22 personal protective equipment necessary to their voluntary
23 work program position.

24 GEO has never paid detainees in the voluntary work program
25 positions the state minimum wage. GEO has paid and continues

1 to pay detainees in voluntary work program positions one
2 dollar per day.

3 Performance-Based National Detention Standard 5.8 states,
4 "Detainees shall receive monetary compensation for work
5 completed in accord with the facility standard policy. The
6 compensation is at least one dollar per day."

7 GEO employs non-detainee employees including two or three
8 janitors at The Center. Washington's hourly minimum wage
9 from 2005 to the present year has gone from \$7.35 on January
10 1, 2005, to \$13.50 on January 1, 2020.

11 Mr. Nwauzor, the plaintiff, is a citizen of Nigeria, and
12 was granted asylum in the United States in January of 2017.
13 Mr. Nwauzor was held at The Center as a civil immigration
14 detainee from approximately June of 2016 until January of
15 2017. Mr. Nwauzor held a voluntary work program position
16 during his detention at The Center. Mr. Nwauzor obtained
17 lawful permanent residence status, commonly known as a green
18 card, in July of 2018.

19 Mr. Aguire-Urbina was born in Mexico. He was held at The
20 Center as a similar immigration detainee beginning in
21 September of 2012. Mr. Aguire-Urbina held a voluntary work
22 program position during his detention at The Center.

23 That concludes the recitation of the agreed facts that the
24 parties have presented to the Court.

25 All parties agree that the first issues to be tried are

1 whether GEO is required to pay the hourly minimum wage to
2 detainees in the voluntary work program at The Center under
3 the State of Washington's Minimum Wage Act, and does
4 government immunity render GEO immune from liability under
5 the Minimum Wage Act.

6 The plaintiff, State of Washington, brings the first case
7 as an enforcement action to require GEO to adhere to
8 Washington State's Minimum Wage Act.

9 In the second case, the class plaintiffs' claim is to
10 recover money they claim is due under the Minimum Wage Act
11 for work performed as part of the voluntary work program.

12 Defendant denies the plaintiffs' claims and affirmatively
13 claims that GEO is immune from plaintiffs' claims under the
14 law. Plaintiffs deny the defendant's claims.

15 The parties have the burden of proving any claim or
16 affirmative defense by a preponderance of evidence, which
17 means that you must be persuaded by the evidence that the
18 claim or affirmative defense is more probably true than not
19 true.

20 GEO has been the subject of news reports on other subjects
21 lately that are not directly relevant to these cases. These
22 cases, today's cases, are not about whether the government's
23 contracting with private entities to operate detention
24 facilities is a good or bad policy. Nor is it about specific
25 events at The Center unrelated to the issue of minimum wage

1 and the voluntary work program. Also, these cases are not
2 about the United States immigration policies or border
3 issues.

4 An important part of these cases is jury selection. In
5 order that the cases be tried before an impartial jury, the
6 lawyers and I will ask you questions, not to embarrass you or
7 pry into your private affairs, but to determine if you are
8 unbiased and without preconceived ideas that might affect the
9 cases. You should not withhold information in order to be
10 seated on this particular jury. You should be
11 straightforward in your answers, rather than answering in a
12 way you feel the lawyers or I expect you to answer. Your
13 answers will be under oath.

14 It is presumed that when a jury has been selected and
15 accepted by both sides, each of you will keep an open mind
16 until the cases are finally submitted, that you will accept
17 the instructions of the Court, and will base any decision on
18 the law and the facts, uninfluenced by any other
19 considerations. The purpose of the questions to you is to
20 determine if you have that state of mind.

21 The lawyers have the right and duty to challenge any
22 jurors for cause. They may also challenge a certain number
23 of jurors without giving any reason as a guarantee to both
24 parties that they may remove some jurors if they wish. You
25 should not take offense if you are challenged. The

1 challenges are not exercised as any personal reflection on
2 you.

3 We have about 50 jurors this morning, and we are going to
4 chose a jury of nine so most of you will not serve in any
5 event. There are a number of witnesses who may testify in
6 these cases. I have asked counsel to list the witnesses that
7 are local, that is to Western Washington, and people that it
8 is possible you might know. I would ask as I read this list
9 of potential witnesses that you make a mental note of anyone
10 you know or may know of that is on the list. I will ask
11 about this when we question the potential jurors.

12 This is a long list of witnesses. I should add that I am
13 not sure all these people will testify. There may be other
14 witnesses, but these are people that you may know or know of
15 because they are from the western part of Washington. The
16 list is now displayed on the screen for you. I will read the
17 witnesses. Lynne Buchanan, Edwin or Erwin De La Cruz,
18 Byron Eagle, Debra Eisen, Tammy Fellin, Robbin Gard, Joshua
19 Grice, John Patrick Griffin, Bertha Henderson, Michael Heye,
20 H-E-Y-E, David Holt, Lee or Leroy Jaramillo, David Johnson,
21 Marc Johnson, Ryan Kimble, Jose Medina-Lara, Orlando Marquez,
22 Sean McCreery, William, Bill, McHatton, Colleen Melody,
23 Iolani Menza, Jeffrey Munson, Sean Murphy, Maria Nara also
24 known as Karla Gomez Soto, Goodluck Nwauzor, the plaintiff,
25 Peter Nickerson, Leslie Perrin, Alma Poletti, Dan Ragsdale,

1 Bruce Scott, Daniel Sheehan, Alisha Singleton, Chris Strawn,
2 Brian Strong, Sarah Sytsma, S-Y-T-S-M-A, David Tracy, David
3 Ventrueella, Christina Wells and Taylor Wonhoff.

4 Again, we'll be asking you if you know or know of any of
5 those witnesses in a few minutes.

6 We are going to divide you into group or flights of 16 to
7 determine whether each of you can serve as fair and impartial
8 jurors in the case. This is going to take some time.

9 Unfortunately, a large part of jury service is waiting. It
10 will take us some time to inquire of each flight. We will
11 work as fast as we can. I hope you will be patient with us
12 because it will take some time.

13 Now, from this point on, you are potential jurors in the
14 case that I have described to you. That means that from this
15 point on, you should not discuss this case among yourselves
16 or with anyone else. Don't let anyone discuss it with you or
17 in your presence. You should understand that it is difficult
18 to keep an open mind during the progress of the case if you
19 discuss the case and express opinions about it before it is
20 time to deliberate together on a verdict.

21 You should not read, view or listen to any report in the
22 newspapers or radio or television or on the computer
23 regarding the subject of this trial. Don't let anyone
24 permit -- don't permit anyone to read or comment on it to you
25 or in your presence. It is important that you each keep your

1 mind free of extraneous influences so that you may decide the
2 case on the evidence and under the Court's instructions on
3 the law. If your family or friends ask you about the case
4 you are here today about, you should tell them you are under
5 the Court's instructions not to discuss it. When the trial
6 is over, you'll be released from this instruction, and you
7 will be able to discuss your experiences as a juror.

8 The lawyers and parties and witnesses are not permitted to
9 talk to you during the trial. Even a discussion that has no
10 relation to the case may appear to a third party to be an
11 inappropriate communication. Bear in mind that the lawyers
12 and participants in the trial will not be friendly to you,
13 particularly outside of the court setting.

14 Also, you should not seek out evidence on your own. Don't
15 go to the places described in the case and in the evidence.
16 Understand that the case has to be decided only on the
17 evidence admitted in the courtroom, or in this virtual
18 courtroom.

19 Also, you should not seek out any information on your
20 computers or on the internet. Get all of your information
21 about the case here in this virtual courtroom from the
22 witnesses and the instructions on the law from the Court, and
23 you will hear the arguments of counsel. I will repeat these
24 instructions from time to time throughout the trial. I
25 wanted you to know at this point that as potential jurors,

1 you are under the instructions of the Court not to discuss
2 the case or seek out evidence on your own.

3 Now, ladies and gentlemen, as I indicated, we are going to
4 go to groups of 16 for the questioning portion of jury
5 selection. Tyler, my courtroom deputy, will provide for 16
6 of you to appear on the screen and we will question them, and
7 after that, we will take another flight of 16 and so forth.

8 Tyler, I think we can move to the next phase here if you
9 want to give me 16 jurors.

10 THE CLERK: The first 16 jurors will stay in here,
11 the other potential jurors will go into a breakout room right
12 now. I am going to number them in number order so it is
13 easier to follow along. I will let you know when we are
14 ready to proceed.

15 Juror 15, are you able to turn your camera on? We skipped
16 15 for the moment. I am trying to get Juror 15 to turn on
17 their camera. There we go.

18 Okay. Your Honor, the first 16 jurors are here in a row.

19 THE COURT: Ladies and gentlemen, the first thing is
20 you should be sworn to tell the truth regarding these
21 questions regarding jury selection. If you will raise your
22 right hands. Tyler will administer the oath.

23 THE CLERK: You and each of you do solemnly swear or
24 affirm that you will well and truly answer such questions as
25 may be asked of you touching upon your qualifications to

1 serve as jurors in the trial now before the Court? Please
2 say "I do."

3 (Jurors responded affirmatively.)

4 THE COURT: Have you all answered "I do"?

5 All right. Ladies and gentlemen, I am Judge Bryan. I
6 don't know if you saw the lawyers when I read their names
7 earlier. Let me go through their names again. I think you
8 can see them on the screen now.

9 Representing the State of Washington is Andrea Brenneke,
10 Marsha Chien and Lane Polozola.

11 The plaintiffs in the second case, the class action, are
12 Jamal Whitehead and Adam Berger.

13 The lawyers for GEO, the defendant, are Joan Mell,
14 Adrienne Scheffey and Lawrence Silverman.

15 Okay. Now, ladies and gentlemen, I have a number of
16 questions I am going to ask you, and I would ask you to
17 simply raise your hand if you have a response.

18 First, did you all hear my introduction to the case?
19 Anyone that did not? Is all the information that you
20 provided the Court in writing regarding jury service true and
21 correct to the best of your ability to make it? Is there
22 anyone that feels you should make some change to the written
23 material you provided? All right.

24 Now, using the Zoom platform for trials is a fairly new
25 thing brought on by the pandemic. We have had to find ways

1 to keep the courts moving, consistent with safety and health
2 requirements. This Zoom environment requires that all
3 concerned, including jurors, cooperate and promptly report
4 any issues and use their best efforts to provide a fair trial
5 to all concerned. Are you all willing to participate with
6 those things in mind? Anyone that is not willing to
7 participate on this platform?

8 The good thing about it is that you don't have to come
9 into court everyday and you get to stay home and also
10 participate as a juror.

11 Now, the lawyers have estimated three weeks trial for the
12 first phase of the case with another week for the second
13 phase, if necessary. Lawyers and judges only can estimate
14 time. We are notoriously bad at estimating time, but that's
15 our best estimate at this point. Once we start, it will take
16 as long as it takes.

17 Trial will typically be from nine to noon and one to four
18 daily with morning and afternoon breaks. I want to know if
19 there is anything in your life that would make it truly
20 difficult or truly unfair for you to be a juror on this case?
21 Yes. Is your name Ice?

22 PROSPECTIVE JUROR 15: No.

23 THE COURT: Juror No. 15.

24 PROSPECTIVE JUROR 15: Yes, hello, Your Honor. Hi.

25 I have at home with me right now a five-year-old special

1 needs child. He is mostly okay on his own, but just when we
2 moved into this group, I did have to tend to him, and he has
3 to get on and off the school bus during those hours. He gets
4 his therapy through school, so it is not really something
5 that I am just able to opt out of for us for a couple of
6 weeks. That is my concern.

7 THE COURT: Okay. I think Ms. Ice should be excused.
8 Any objection from counsel?

9 Okay, Ms. Ice, thank you. You may be excused.

10 Any of the rest of you have any issues that you want to
11 raise about general matters of jury service?

12 Ms. Christianson?

13 PROSPECTIVE JUROR 10: I have a husband that is
14 currently in need of a knee replacement and currently it
15 fills with blood and he is unable to move or get to the
16 hospital, so I oftentimes have to leave work to get him to
17 the emergency room to have that drained. We can't have
18 surgery until September.

19 THE COURT: Let me make a note here as we go.

20 Mr. Krytenberg, is that right, did you have your hand up?

21 PROSPECTIVE JUROR 1: I did, yes.

22 THE COURT: What is your issue?

23 PROSPECTIVE JUROR 1: I lead a team of people at
24 work, and we are in the most pivotal stage of our project
25 development. If I am gone for a month or more, it will set

1 the project back that much further, costing the company
2 hundreds of thousands of dollars, which is, frankly,
3 unacceptable. I can't be gone for four, five, six weeks at
4 this point.

5 THE COURT: Who else had their hand up? Mr. Crosley?

6 PROSPECTIVE JUROR 13: I have a similar concern. I
7 am director of a large IT department. I really can't be away
8 from work for four weeks plus. I will be -- if required to
9 serve, I'll be doing this from the hours of nine to four but
10 still have to do my job non-business hours and the evening
11 and into the night. I don't know that I can sustain that for
12 the full duration that is possible here.

13 THE COURT: Okay. Anyone else? Okay.

14 Ms. Christianson, you are caring for your husband; is that
15 right?

16 PROSPECTIVE JUROR 10: That's true, yes.

17 THE COURT: And generally, what is his situation?

18 PROSPECTIVE JUROR 10: He is unable to oftentimes use
19 the restroom. He has really bad osteoarthritis. When his
20 knee pulls up, he is unable to move. He cannot drive. He
21 cannot get his own food because he can't get out of bed. I
22 am oftentimes there having to help with those needs.

23 THE COURT: You are his sole caregiver?

24 PROSPECTIVE JUROR 10: We have no family in this
25 state. I have a ten year old and I have a seven year old.

1 THE COURT: Okay. You may be excused,
2 Ms. Christianson.

3 PROSPECTIVE JUROR 10: Thank you.

4 THE COURT: I will ask Juror No. 1 and No. 13 to sit
5 tight. We will see how flexible we can be here.

6 THE CLERK: Your Honor, Juror No. 2 raised their hand
7 at the end there. I believe he might have something to add.

8 THE COURT: Mr. Troemel, Juror No. 2, did you have a
9 problem with jury service?

10 PROSPECTIVE JUROR 2: Unfortunately, I am the only
11 one working right now. My wife is unemployed due to COVID.
12 I'll be losing a bunch of money not working during this
13 trial.

14 THE COURT: Okay. All right. I will consider those
15 issues and rule on them later.

16 Did someone else have something?

17 I trust that all of you have a computer or iPad or
18 something with a camera you can use for the entire trial. I
19 wouldn't want you to try to do this on a cell phone. Are all
20 of you comfortable with your equipment that you have
21 available? Seems to be going all right once we got started
22 this morning.

23 Ms. Tooley.

24 PROSPECTIVE JUROR 7: I am borrowing this one right
25 at the moment. My laptop did not work. I couldn't get a

1 picture on it. I used my mother's. I don't know for four
2 weeks if she would allow me to use this. I may have to -- if
3 you could supply one.

4 THE COURT: Are you comfortable using court
5 equipment, if necessary, that we will supply?

6 PROSPECTIVE JUROR: I will ask her. It might be
7 fine. I have not had an opportunity to ask her permission
8 yet.

9 THE COURT: Okay. All of you have reliable internet
10 connectivity? Can all of you use this Zoom platform
11 throughout the trial as we go along?

12 Do all of have you a quiet place where you can participate
13 online for several hours every day without interruption?
14 Anyone that does not?

15 All right. Do any of you know or know of the lawyers that
16 I introduced?

17 Have any of you heard of this case before? From what you
18 have heard about it so far, does it remind you of anything
19 that is happening or has happened in your own life?

20 Do any of you know or know of any of the witnesses whose
21 names I read?

22 Are any of you or anyone close to you involved with the
23 courts or the administration of justice?

24 MR. WHITEHEAD: I believe Juror No. 9 had her hand
25 up.

1 THE COURT: Yes, Ms. Duprey.

2 PROSPECTIVE JUROR 9: Yes, I am familiar with someone
3 that is named as one of the witnesses. I know someone with
4 that name. I also am familiar with people in detention being
5 paid a dollar a day as my daughter was in detention and had a
6 job that paid her a dollar a day. She's no longer in
7 detention, but I am aware of that firsthand.

8 THE COURT: Was she in detention at the GEO facility?

9 PROSPECTIVE JUROR 9: She was in a correction
10 facility in Oregon.

11 THE COURT: Is there anything about what you have
12 heard about this issue that would cause you to feel one way
13 or another going into the trial?

14 PROSPECTIVE JUROR 9: I think it would. I am
15 familiar with the need to -- you know, I am familiar with the
16 limited resources that gives someone in detention to, you
17 know, make a phone call or purchase necessary personal
18 products, things like that. I have a little insight into it.

19 THE COURT: Yes. You mention you knew one of the
20 witnesses?

21 PROSPECTIVE JUROR 9: I do know someone named
22 David Johnson.

23 THE COURT: Common name. Where does that person that
24 you know live?

25 PROSPECTIVE JUROR: He lives in Seattle.

1 THE COURT: Okay. I don't know. I have to ask
2 counsel if that is the same person on your witness list.
3 Common name.

4 PROSPECTIVE JUROR 9: It is.

5 MS. CHIEN: It might be helpful if she knew what job
6 or occupation, if she's aware of where Mr. Johnson worked.

7 PROSPECTIVE JUROR 9: No.

8 THE COURT: Is this someone you know well or know of?

9 PROSPECTIVE JUROR 9: I am friends with his father.
10 I have known him since he was a young -- I have known
11 David Johnson since he was a little boy.

12 THE COURT: Okay. I think I should excuse
13 Ms. Duprey. Thank you, ma'am.

14 PROSPECTIVE JUROR 9: Thank you very much.

15 THE COURT: You may be excused.

16 Ms. Deruyter, No. 8.

17 PROSPECTIVE JUROR 8: Did you ask about law
18 enforcement?

19 THE COURT: Yes.

20 PROSPECTIVE JUROR 8: My husband is retired 33 years
21 from LA County Sheriff's Department.

22 THE CLERK: I thought Juror 12 had stepped away.
23 He's there. We are good.

24 THE COURT: Yes, Mr. Monta.

25 THE CLERK: He stepped away. I was concerned he had

1 left. That's all. He has returned.

2 PROSPECTIVE JUROR 12: I am here.

3 THE COURT: Okay, Mr. Monta, Juror No. 12, did you
4 have an answer?

5 PROSPECTIVE JUROR: No, he just asked if I had
6 stepped away. I had used the restroom.

7 THE COURT: Ms. Tooley.

8 PROSPECTIVE JUROR 7: Family members retired. My
9 father retired. He was a corrections officer. My
10 father-in-law is a retired sheriff or police officer of some
11 sort.

12 THE COURT: Okay. All right. Do any of you have a
13 relationship with or particular knowledge about Immigrations
14 and Customs Enforcement, that is ICE, or a particular
15 knowledge about GEO or with GEO? Do any of you have any
16 particular relationship with or knowledge about the State
17 Department of Labor & Industries or the Attorney General's
18 Office for the State? Okay. Do any of you have strong
19 feelings about immigration, immigrants or immigration
20 policies that might cause you to start into the case favoring
21 or disfavoring one side or the other?

22 As I indicated, the case is not about our government's
23 immigration policy.

24 Do any of you have strong feelings about immigration or
25 immigrants or policy that might cause you to start into the

1 case favoring one side or the other?

2 MR. WHITEHEAD: I believe Juror No. 8 has her hand
3 raised.

4 THE COURT: Yes, Ms. Deruyter.

5 PROSPECTIVE JUROR 8: My husband worked for 20 years
6 with, like, the DEA on the border of Southern California with
7 Immigration and drugs coming over. He was undercover
8 narcotics. We kind of have a strong (sic) against immigrants
9 even coming over the border. I don't know if that is what
10 you are asking for or not.

11 THE COURT: I am asking about that because some of
12 the parties to the case are detainees in an immigration
13 facility. They have not been -- they are not criminals as
14 such. They are not there for criminal reasons. They are
15 being held pending immigration action. I would like to know
16 if you have strong feelings about them that would affect your
17 judgment as to whether they might be entitled to minimum wage
18 under the State's Minimum Wage Act.

19 PROSPECTIVE JUROR 8: Okay. No, that's okay. That
20 clarifies it. Thank you.

21 THE COURT: You think you can start into this trial
22 without feelings that would affect your judgment for one side
23 or the other?

24 PROSPECTIVE JUROR 8: Not exactly sure because most
25 of the people that came over for his job came over illegally.

1 So I guess, on that part, I would have a strong feeling
2 against them even just coming over. I don't know why they
3 weren't stopped at the border. I don't know if that makes
4 sense. I have a strong feeling against -- my mother had a
5 green card and became an American citizen. My father-in-law
6 had a green card and became an American citizen. I don't
7 have anything against people coming over legally. I just
8 don't understand why they are in a detention facility if they
9 are doing it legally for years.

10 THE COURT: I expect you'll hear more about that from
11 counsel and further questions.

12 PROSPECTIVE JUROR 8: Okay.

13 THE COURT: Yes. Thank you.

14 Do any of have you any strong feelings about ICE or about
15 GEO? Any of have you any strong feelings about the State of
16 Washington or any of its departments or anything that might
17 cause you to start into the trial favoring one side or the
18 other? Mr. Krytenberg?

19 PROSPECTIVE JUROR 1: Yeah, frankly, I morally object
20 to privatization of these types of situations. It is slave
21 labor in my opinion. It is morally reprehensible. And I
22 would find it hard to be objective.

23 THE COURT: With that statement, I think the juror
24 should be excused. You may be excused, Mr. Krytenberg.

25 Do any of you have any strong feelings about minimum wage

1 laws generally that might cause you to start into the case
2 favoring one side or the other? Any of you have strong
3 feelings about privately run detention centers that might
4 affect your judgment here?

5 Do any of you have strong feelings about class actions, as
6 I described Plaintiff Nwauzor's class participation here?
7 Yes, Ms. McDonald.

8 PROSPECTIVE JUROR 14: I don't know that I have a
9 strong opinion. I think I should probably share that, in my
10 role as director of human resources, I have been involved in,
11 you know, class action cases in California that revolved
12 around wage and hours. I just want to make sure --

13 THE COURT: Is there anything about your experience
14 in that regard that would start you into this case favoring
15 one side or the other?

16 PROSPECTIVE JUROR 14: I mean, I don't know the
17 answer to the question. Really, if it was in regards to
18 their regular employment, probably would be concerned they
19 weren't paid that minimum wage. This is a little different.
20 I am just trying to keep an open mind.

21 THE COURT: Do you think you can be fair and
22 impartial going in here and make a fair decision based on the
23 evidence?

24 PROSPECTIVE JUROR 14: I do.

25 THE COURT: Can all of you accept the law from the

1 Court and apply it here, even though you might disagree with
2 the law? It is important that you do that. Sometimes we
3 are -- even us judges are surprised to find out what the law
4 is in a particular case. Sometimes we have to do things that
5 we -- that are required by the law that we might not like
6 very much. Can all of you accept the law and apply it?

7 Okay. Is there anything about this case, as you
8 understand it now, that might cause any of you to start into
9 the trial with any bias or prejudice or feelings favoring one
10 side or the other? Anything we have not discussed that makes
11 you want to be excused?

12 All right. It is just about time for a break before we go
13 to --

14 THE CLERK: Your Honor, No. 13 has his hand raised.

15 THE COURT: Mr. Crosley.

16 PROSPECTIVE JUROR 13: It sounded like we are
17 wrapping up. I wanted to reiterate my concern over my
18 ability to give this my full attention over the next four
19 weeks with the balance that I will have to strike with work
20 and this. I know other people have that same issue. It is
21 going to be significant for me.

22 THE COURT: I will keep that under consideration. We
23 will see how we do with the -- we will see how liberal I can
24 be, is what I am telling you.

25 Ms. Rickabaugh, did you have a question or comment?

1 Sometimes we all move our hands. Sometimes I see a
2 movement. All right.

3 Now, I gave you an instruction about recesses. I would
4 ask you to follow those instructions. We will take about ten
5 minutes for a break, and then we will proceed with counsels'
6 questions of the panel. All right?

7 (Recessed.)

8 THE COURT: We are ready to go to counsels'
9 voir dire. Who speaks for plaintiffs first?

10 MS. CHIEN: Mr. Whitehead will be speaking for the
11 plaintiffs.

12 THE CLERK: The limitation with Zoom, I have to bring
13 everyone back in, including the panels that are not
14 participating in order to put them back out again. It will
15 take a minute or two to reorganize everybody again.

16 MR. WHITEHEAD: The jury is out of the room right
17 now?

18 THE CLERK: The jury was out of the room at that
19 time. I just brought them back. Okay, Your Honor, looks
20 like everybody is back and ready to go.

21 THE COURT: Okay. Now, ladies and gentlemen, as I
22 indicated earlier, the lawyers have the opportunity to
23 supplement the questions that I have asked you. They can ask
24 questions of the entire panel or questions of individual
25 jurors. I understand Mr. Whitehead, for the plaintiffs, will

1 go first.

2 So Mr. Whitehead.

3 MR. WHITEHEAD: Thank you, Your Honor.

4 Good morning. My name is Jamal Whitehead. I am one of
5 the attorneys representing the private plaintiffs in this
6 case. For most, if not all of you, I am guessing this is
7 your first time going through jury selection. Perhaps from
8 what you have seen on TV you may be thinking this is the part
9 of the trial where the lawyers ask trick questions to
10 psychoanalyze you. I don't do it that way. What I want to
11 know is who wants to be on the jury, not who I am trying to
12 kick off. Most importantly, I want to know who can listen to
13 the evidence in this case with an objective mindset. I can't
14 give you any specific details. In fact, I would get in
15 trouble if I talked about the evidence.

16 What we can talk about are some of the principles that you
17 will need to wrestle with if you serve as a juror. I will
18 ask questions to get the ball rolling. I am not trying to
19 pry or embarrass you. I want you to be brutally honest with
20 me and yourself about whether you can serve on this case with
21 an open mind. The goal is to be impartial. We call it bias.
22 If you are already leaning in one direction or the other,
23 doesn't mean there is anything wrong with you. If you
24 already have strong notions about the issues in this case, it
25 just means there are some issues that are so close to home

1 that it is difficult to sit and listen to the evidence
2 fairly. It is like asking a new parent who is the cutest
3 baby in the world.

4 With that in mind, let's just talk.

5 You heard from the judge's introduction, this case
6 involves people who are currently or formerly detained in an
7 immigration detention center. The case isn't about
8 immigration, but it involves immigrants. If you follow the
9 news or politics, you know immigration is a hot-button topic.
10 Some people think we should build walls to keep immigrants
11 out because they are taking jobs. Others think we should
12 build bridges to take more in because we are a nation that
13 welcomes immigrants.

14 My question is: Looking at these two views, which one are
15 you closer to? Anybody want to get us started?

16 Juror No. 7. Thank you. Tell us about it.

17 PROSPECTIVE JUROR 7: As I answered in my
18 questionnaire, I don't have any strong feelings one way or
19 the other way. I think a wall is a little ridiculous. That
20 is more money out of the pockets of the taxpayers. Bridges,
21 when they come over, I guess they get money and education and
22 things like that to get them started. We all started out as
23 immigrants really. Technically, the country is built on it.
24 I don't really have any strong feelings one way or the other.

25 MR. WHITEHEAD: Thank you for sharing and getting the

1 ball rolling.

2 Who else would like to share? Juror No. 3?

3 PROSPECTIVE JUROR 3: I would say I lean more toward
4 bridges. I work at a university. I have many students who
5 are either immigrants themselves or children of immigrants.
6 Hearing their story, I am very sympathetic to the struggles
7 they face.

8 MR. WHITEHEAD: Thank you for sharing.

9 By show of hands, who feels the same as Juror No. 3. Hold
10 them up until I call your number. Juror No. 4, Juror No. 6,
11 Juror No. 8, Juror No. 11, Juror No. 14, Juror No. 16.

12 Juror No. 8, go ahead.

13 PROSPECTIVE JUROR 8: I am actually towards the wall
14 even though I would not be an American citizen if immigrants
15 weren't here. My mother was Canadian, my father was from
16 Holland, both came over, one as a young adult, my mother as a
17 child. But they -- no one was ever in a detention facility.
18 I have two close people that never went to a detention
19 facility. Both have become American citizens.

20 I am actually against the whole facility. I think if they
21 are coming over, if they have a reason to be stalled at the
22 facility, they shouldn't come over. Does that make sense?

23 MR. WHITEHEAD: It does. Thank you for sharing. I
24 guess I think back to one of the responses you gave to the
25 judge, you were talking about your husband's experiences on

1 border enforcement. I don't want to put words in your mouth.
2 I believe you said something along the lines of it mattered
3 to you whether or not people came to the country legally or
4 illegally. Did I get that right?

5 PROSPECTIVE JUROR 8: Yes.

6 MR. WHITEHEAD: Why does that matter to you?

7 PROSPECTIVE JUROR 8: Well, illegally we don't know
8 what they are bringing over. So many have brought over
9 either illnesses or contraband. Most of my -- I have lot --
10 I have two nephews that have come over. I have a brother.
11 Lots of people have come over. They have all come over
12 legally. They have all followed the rules. We have laws.
13 That's why we have laws. People coming over, I can
14 understand if someone is seeking asylum and coming over, but
15 I don't believe they are put in a detention facility because,
16 you know, jails are full, so send them back. I'm sorry.
17 That is my opinion.

18 MR. WHITEHEAD: Thank you. The judge is going to
19 instruct you on the law. Everyone in this case agrees that
20 folks that are in the detention center itself are not being
21 held there as punishment. The circumstances of the people
22 and how they found themselves in detention, it does vary. My
23 question to you is this: If there were people that came to
24 the United States without prior permission, do your
25 experiences and beliefs make it such that you are leaning

1 against those folks, even if it is just a little bit?

2 PROSPECTIVE JUROR 8: Yes. Yes, if -- yes, if they
3 just came over and they want -- okay, they are put -- I am
4 kind of, stay in your country, get the visa, do it right, and
5 then come over. That's what we are built on. We are built
6 on all those people. Does that make sense?

7 MR. WHITEHEAD: The people that came without prior
8 permission, they face an uphill battle for you as you sit and
9 look at this case?

10 PROSPECTIVE JUROR 8: Yes.

11 MR. WHITEHEAD: When I get done, opposing counsel
12 will have questions for you, the judge may have questions for
13 you, will you give them the same answer you gave me?

14 PROSPECTIVE JUROR: Yes.

15 MR. WHITEHEAD: Thank you. Juror No. 11, I am going
16 to channel my mother right now. Juror No. 11, where do you
17 fall?

18 PROSPECTIVE JUROR 11: A little bit toward bridges.
19 I think it is more of a demographics type thing. Where our
20 population is getting older and more of us are retiring, we
21 are not reproducing at the rate that we need to be to support
22 retirees so that support needs to come from somewhere.

23 Just based on that, I kind of lean toward bridges. I also
24 have sympathy for a lot of people I think coming from Central
25 America. They are leaving really bad conditions, and they

1 are coming up here. I know it is illegal and there should be
2 a legal framework for people to immigrate to the
3 United States. I understand their plight. I do, you know,
4 they -- they should not come illegally, but I understand, I
5 guess.

6 MR. WHITEHEAD: Thank you for sharing. I appreciate
7 that.

8 Let's see. Ms. Potter, Juror No. 5, could you share?

9 PROSPECTIVE JUROR 5: Can you hear me? You are back
10 at the building walls, building bridges. I don't feel like,
11 while I have many feelings for all different people, that the
12 immigration policy is not about feelings. It is about
13 following our immigration law and our immigration policy.
14 Our policy is a virtual wall. I am kind of on the line with
15 Juror No. 8, that follow the law, you are welcome to be here.
16 If you don't follow the law, we will help you follow the law
17 and get you what you need in order to be here legally. For
18 our country to support many, many immigrants for the sake of
19 them not following our immigration law, we have a problem.

20 MR. WHITEHEAD: Thank you for sharing. So look,
21 Juror No. 8, is it the case that before you have heard any
22 evidence in this case, folks that came to the United States
23 without prior permission, are they facing an uphill battle in
24 this case?

25 PROSPECTIVE JUROR 8: Can you say that again?

1 MR. WHITEHEAD: Yes. We all have our feelings and
2 our beliefs. I guess I am following up on what you just
3 expressed. Before you heard any evidence in this case, we
4 are just sitting here at neutral. Is it the case that folks
5 that may have come to the United States without prior
6 permission, are they facing an uphill battle for you in this
7 case in trying to decide what happened?

8 PROSPECTIVE JUROR 8: Absolutely they are facing an
9 uphill battle. That's tough to come across the border
10 illegally, get across, find a job, get citizenship, that's
11 difficult. But there is a road, there is a path, there is
12 information. There is ways to get that information. There
13 is plenty of people willing to provide that information,
14 that's why we have the laws. It is difficult as a child that
15 lives here -- anybody who lives here that is not an
16 immigrant, it is difficult for a child to raise and turn 13
17 and turn 16 and save money to buy a car and go to college and
18 get out on their own. It is difficult for everybody. They
19 are not the only ones that struggle, but the information is
20 out there and that's -- we need to go get that information.

21 MR. WHITEHEAD: I maybe asked the question
22 inartfully. Really, what I am driving at is, you, as the
23 person sitting and listening to the evidence, do you feel
24 like just sitting at neutral maybe you are leaning against
25 folks that came to this country without prior permission?

1 PROSPECTIVE JUROR 8: Leaning against them doing
2 what? If my neighbor came to me and said that they are here
3 illegally, I would ask them, would you like to be here
4 legally? And yes, let's help you be here legally. I love
5 the diversity we have in our country. It is absolutely
6 phenomenal. I know the best people that speak many different
7 languages. My grandmother came from Mexico. I know the
8 story. It is wonderful. We have to do it legally.

9 MR. WHITEHEAD: I really appreciate you sharing.
10 Let's get some other folks we haven't heard from. Juror
11 No. 6, could you share with us, please?

12 PROSPECTIVE JUROR 6: I was brought to the
13 United States when I was 16 years old by my parents. I
14 worked my way up to be a naturalized citizen. That's my
15 status, I am a U.S. citizen. I do know the struggles that
16 people go through to get to the United States. It is easy to
17 say, oh, there is a way to get, what you say, legalized easy.
18 It is not that easy for somebody. Like, I been there. I
19 been there. I know. A lot of people, they don't have a
20 person in the United States that can sponsor them to come to
21 the United States. The only way they can come here is
22 illegal. I'm sorry, yeah. It is illegal, sad, when you hear
23 the stories of people trying to cross. It is sad. Make you
24 cry. Not easy. It is not easy to get citizenship.

25 MR. WHITEHEAD: Thank you for sharing.

1 Juror No. 16.

2 PROSPECTIVE JUROR 16: I would lean more toward
3 bridges. I really am trying to be more objective and neutral
4 in this situation. I do feel how Juror 7 said we all come
5 from immigrants. I know doing my ancestry, there was a lot
6 of immigration. Whether it was legally or illegally, I can't
7 say for sure. It was an opportunity for me to be here today.
8 I empathize also with the human suffering. I am a social
9 worker by nature. Social justice and things like that are
10 really my passion right now.

11 MR. WHITEHEAD: Thank you. Who else haven't we heard
12 from? Juror No. 2, have we heard from you yet?

13 PROSPECTIVE JUROR 2: Can you hear me?

14 MR. WHITEHEAD: I can.

15 PROSPECTIVE JUROR 2: I do not support illegal
16 immigration. If they are going to do it, they need to come
17 the right way. With everything that is going on now, with
18 all the veterans and everything, I do not support illegal
19 immigration at all.

20 MR. WHITEHEAD: My question is this: I know you will
21 sit and listen to the evidence. I won't ask you that
22 question. Just sitting here, not having heard any evidence
23 in this case, would you say that you are leaning against my
24 clients because they may be held in a detention facility? Is
25 that a problem for you in this case?

1 PROSPECTIVE JUROR 2: Yes.

2 MR. WHITEHEAD: Thank you for sharing. If the judge
3 or opposing counsel were to ask you that question, would you
4 give the same answer?

5 PROSPECTIVE JUROR 2: Yes, sir.

6 MR. WHITEHEAD: Is that everyone? Did we get
7 everybody? No. 12.

8 THE COURT: Just a second. I don't know how you have
9 divided up your time. You have used better than 15 minutes,
10 Mr. Whitehead.

11 MR. WHITEHEAD: Then I will stop there. It was nice
12 speaking with everyone. I will pass the baton. Thank you.

13 MS. CHIEN: Hi. My name is Marsha Chien, and I
14 represent the State of Washington. Mr. Whitehead has asked
15 you couple of questions about immigration. I would like to
16 switch gears a little bit. I am hoping you can be as
17 brutally honest with me as you were with Mr. Whitehead.

18 In addition to the people that Mr. Whitehead represents,
19 there are two other types of entities that are part of this
20 case, a private company and the government. I would like to
21 talk to you about the role of private companies and the
22 government.

23 I would like to start by asking what people think is the
24 purpose of a private company? Maybe we can start with Juror
25 No. 7. What is the purpose of a private company?

1 PROSPECTIVE JUROR 7: I guess I am not really
2 understanding that question. Can you say it a different way
3 maybe?

4 MS. CHIEN: Sure. Why do private companies exist?
5 How about that? Why do businesses exist?

6 PROSPECTIVE JUROR 7: Like entrepreneurship? Like
7 you own your own company or a large CEO?

8 MS. CHIEN: Let's start with Amazon. Why does Amazon
9 exist?

10 PROSPECTIVE JUROR 7: To sell products to the
11 consumer and make money.

12 MS. CHIEN: Does anyone else have other ideas of what
13 you think the purpose of a private company is? Juror No. 13?

14 PROSPECTIVE JUROR 13: The purpose of a private
15 company is to create wealth and opportunity for the company
16 and also the people that work there. One of the benefits,
17 because there is the profit motivation, generally quality is
18 better for any goods or services that a private company would
19 engage in over some type of government entity where there is
20 no incentive -- profit incentive to do a good job.

21 MS. CHIEN: Thank you, Juror No. 13.

22 Does anyone have other ideas about what a private -- the
23 purpose of a private company, other than what Juror 7 and
24 Juror 13 just mentioned? Juror No. 5?

25 PROSPECTIVE JUROR 5: A private company provides a

1 service that the government doesn't provide. We are talking
2 about profit versus non-profit. The government provides that
3 general service for the -- the government provides the
4 general service in the community that we can't cover, for
5 instance, protection, protection by our police force, ICE.
6 Any of those companies' protection is one of the main things
7 our government provides, schools. Private does what the
8 government doesn't do.

9 MS. CHIEN: This is a good time to switch to
10 government and ask people what they think the purpose of a
11 government is. I will start with Juror No. 14.

12 PROSPECTIVE JUROR 14: The purpose of the government
13 is to ensure the safety and well-being of the populus, to
14 ensure laws and infrastructure, that sort of thing, are
15 enforced and maintained.

16 MS. CHIEN: Juror No. 12, I see your head nodding.
17 Can I ask you the purpose of what a government is?

18 PROSPECTIVE JUROR 12: People that provide services
19 when needed, maintain roads, bridges, that type of thing.

20 MS. CHIEN: Can I stick with you for my next
21 question?

22 PROSPECTIVE JUROR 12: Sure.

23 MS. CHIEN: How can you tell if a government is
24 successful?

25 PROSPECTIVE JUROR: If your bridges are falling down,

1 your roads are crumbling, people aren't being cared for, that
2 would be a failure on the government's part. I pay taxes and
3 that. Those taxes go for, you know, roads, bridges, for
4 taking care -- people that can't take care of themselves, our
5 veterans that are coming back that are in need. I think we
6 need to take care of those people that have served us. Like
7 I say, other people that can't help themselves that we should
8 try to provide for the well-being of our citizens.

9 MS. CHIEN: Thank you. Do other people agree with
10 Mr. Monta or have other ideas of how you can determine
11 whether a government is successful? How about, I am going to
12 turn a little bit to talk about a specific government agency,
13 the Attorney General's Office. Can you please raise your
14 hand if you have heard of the Attorney General's Office suing
15 a private company or --

16 THE COURT: You got frozen there, Ms. Chien. I don't
17 know what happened.

18 MS. CHIEN: All right. Apologies.

19 THE COURT: Go ahead, Ms. Chien.

20 MS. CHIEN: I would like to ask if everyone can raise
21 your hand if you have heard of the Attorney General's Office
22 suing a person or business to protect the citizens. 11, 12,
23 13. Okay.

24 Can I ask Juror No. 11, what was the lawsuit about? What
25 did you think about it?

1 PROSPECTIVE JUROR 11: I believe -- I am not certain
2 on this. I believe Boeing was sued a few years ago. I can't
3 remember the particulars of the case. I think they were
4 sued. It was something -- I can't remember what it was. I
5 do remember a lawsuit a few years ago against Boeing.

6 MS. CHIEN: Do other people remember other lawsuits
7 the Attorney General's Office has brought? Okay. Some
8 people think the Attorney General sues too many people. Can
9 you raise your hand if you think the Attorney General sues
10 too many people and shouldn't be meddling in the affairs of
11 private business? Let's start with Juror No. 14.

12 PROSPECTIVE JUROR 14: Sorry, I zoned out. The
13 question was: Do I think they sue too many people?

14 MS. CHIEN: Yeah.

15 PROSPECTIVE JUROR 14: I don't think so. I think
16 they are being prudent and bringing forward lawsuits that
17 have merit, and there is a process to ensure that is
18 happening. I don't have any concerns about that in
19 particular.

20 MS. CHIEN: Thank you. Juror No. 8, do you agree the
21 Attorney General's -- do you have any feelings about the
22 Attorney General's Office bringing lawsuits against private
23 businesses or individuals?

24 PROSPECTIVE JUROR 8: No, I would think -- they are
25 there to protect us. If they see something that is hurting

1 the public, I think that is their job to stand up for us and
2 protect us.

3 MS. CHIEN: Okay. Juror No. 4, can I ask you to
4 weigh in on whether or not the Attorney General is suing too
5 many private individuals or businesses?

6 PROSPECTIVE JUROR 4: I don't think I have a strong
7 opinion on the matter. I did raise my hand as to uphold the
8 law of the land. If they are successful, not there is peace
9 in the land, but to do that -- like, I don't know what the
10 number was last year. I think she said that the job -- that
11 is their job is to kind of maintain order, like a check and
12 balance type system. I don't have an opinion on whether the
13 Attorney General sues too many people one way or the other.
14 I maybe don't have enough information to know whether they do
15 or not. I have never actually looked into that. That seems
16 like that is their job. I think in the preceding cases that
17 would be handled that way, responsibly like in a court
18 setting and let the people decide. I suppose that would be
19 my answer. If they are suing people, they must have a reason
20 to do it because that is their job. I hope that answers the
21 question.

22 MS. CHIEN: Thank you. I think I haven't heard from
23 Juror 2. If you could weigh in on whether or not the
24 Attorney General's Office -- if you think the Attorney
25 General's Office should sue private businesses.

1 PROSPECTIVE JUROR 2: To be honest, I don't
2 understand any of that.

3 MS. CHIEN: Okay. That's fair.

4 PROSPECTIVE JUROR 2: I just go to work and come
5 home.

6 MS. CHIEN: Juror 13, I saw you nodding a couple
7 times. Have you heard of lawsuits the Attorney General has
8 brought, and what did you think about them?

9 PROSPECTIVE JUROR 13: I have heard of lawsuits. As
10 you asked for specifics, it occurred to me I couldn't come up
11 with a specific. I think reputationally I think the Attorney
12 General's Office is kind of known -- I don't know, felt like
13 a big uptick in the number of cases or the publicity around
14 them. I can't objectively say that it is too much or
15 anything like that. I think success rate probably predicts
16 if it is too much or too little. That is it.

17 MS. CHIEN: You mentioned you had heard the Attorney
18 General's Office -- there was an uptick on lawsuits the
19 Attorney General's Office brings. Do you understand why there
20 might have been an uptick or what the lawsuits were about?

21 PROSPECTIVE JUROR 13: Seemed to coincide when Trump
22 was in office, there was more activity. I may be responding
23 to publicity I see on the local news. Seemed I noticed it a
24 lot more over the last four to five years, a lot more
25 activity. Again, sorry, no specifics.

1 MS. CHIEN: Did you have any opinion about the
2 increase in activity?

3 PROSPECTIVE JUROR 13: Nothing is wrong. Generally
4 skeptical when I see a lot of publicity around things and
5 question some motives. Nothing strong at all.

6 MS. CHIEN: Tell me more what you mean about question
7 motives?

8 PROSPECTIVE JUROR 13: Sometimes people's activity is
9 driven by publicity, especially in the political realm. I
10 think it is important for leaders, like an Attorney General
11 to make sure that people understand that he and his
12 department are fighting for Washingtonians. Sometimes when
13 you watch that kind of coverage, I scratch my head and
14 wonder: Is it because it is important or is it because it is
15 enhancing a reputation?

16 MS. CHIEN: If the Attorney General is bringing a
17 case here, would you be skeptical why the Attorney General's
18 Office is bringing the case here?

19 PROSPECTIVE JUROR: No.

20 MS. CHIEN: Okay. The Court mentioned this case
21 involves minimum wage. I have one last question. I was
22 wondering, who do you think should be enforcing our state
23 minimum wage laws? I would like to start with Juror No. 5.

24 THE COURT: I think that is pretty close to the line
25 of questions that you can't expect the jurors to know the

1 answer.

2 MS. CHIEN: That's fair. Does anyone have any
3 concerns about the State Attorney General's Office bringing
4 lawsuits against private business? Nope. Okay.

5 Thank you for your time. I appreciate it. Looking
6 forward to spending a couple weeks with you.

7 THE COURT: Thank you, Ms. Chien.

8 Who speaks for the defendant now? Ms. Mell.

9 MS. MELL: Good morning, folks. My name is
10 Joan Mell. I represent the GEO Group. I, too, like
11 Mr. Whitehead, have no capacity or ability or credentials to
12 dig into your psychoanalytic history or nitpick your
13 background in that way.

14 I am a people person. I love this process of getting a
15 chance to talk to you. I am appreciative of your time today
16 and am hoping to get to know you better for the purposes of
17 making sure the GEO Group gets a fair trial, and that,
18 honestly, plaintiff gets a fair trial. It is most important
19 that both sides have a fair shot at you helping them decide
20 this case. So the more you can tell me about yourself and
21 any thoughts you have strongly about some of the issues you
22 might be grappling with hearing this case will only make the
23 process fairer.

24 I am going to be a little bit snoopy. One of the things I
25 am going to delve into is politics. When I say the name "Bob

1 Ferguson," what comes to mind? Anybody have a reaction to
2 the name Bob Ferguson? Does anybody know who Bob Ferguson
3 is?

4 Juror No. 12, who is Bob Ferguson?

5 PROSPECTIVE JUROR 12: The State Attorney General.

6 MS. MELL: Who knows who if the State Attorney
7 General is an elected position? Juror No. 11, elected or not
8 elected?

9 PROSPECTIVE JUROR 11: The Attorney General is
10 elected.

11 MS. MELL: Some people debate which public officials
12 should be elected and which should be appointed. Who has
13 weighed in on the debate on perhaps a judge appointment? Who
14 has feelings whether or not an official like the Attorney
15 General should be appointed or elected? Anybody have strong
16 feelings on that?

17 PROSPECTIVE JUROR: My question is: When you say
18 elected or appointed, elected by the people. The appointment
19 would be by whom?

20 MS. MELL: Depends on who the State decides gets to
21 make the decision. The debate around judges, for instance,
22 has been whether they should be appointed by other lawyers
23 and judges. With the AG, it might be the governor. Would
24 the governor be an appropriate executive or elected Attorney
25 General, why or why not?

1 PROSPECTIVE JUROR: In that case, I am for being an
2 elected official and not appointed. I think there is an
3 incredible bias one way or the other, depending on who the
4 governor is, who voted for the governor in that way. I would
5 like the ability to vote, if I could.

6 MS. MELL: That brings up another issue on voting.
7 Some people say you always vote partisan. If you are
8 democrat, you have to vote democrat. If you are republican,
9 you vote republican. Other people say, I don't want to pick
10 sides. I want to vote for who I like, what they believe in,
11 what they stand for.

12 Who has strong feelings about whether or not it should be
13 partisan -- R, D -- or you should have your decision to vote
14 for whoever you want?

15 Juror No. 14?

16 PROSPECTIVE JUROR 14: I really strongly feel you
17 shouldn't vote necessarily just for your party. You really
18 should just pick the best person. It is probably not going
19 to be very often you pick somebody that is outside of your
20 party, but the fact that you go in with that open mind, I
21 think, is better for our system of government.

22 MS. MELL: Anybody else have strong feelings about
23 that?

24 Juror No. 11?

25 PROSPECTIVE JUROR 11: I pretty strongly believe you

1 shouldn't have to register for a party and then vote along
2 those lines. I agree with Juror 14, you should make a
3 decision based on the individual that is up for election and
4 not just because of the party they belong to. If there is
5 people in the state of Washington, particularly the area of
6 the secretary of state, that she's a republican, on most
7 issues, I am not in agreement with republicans, but she does
8 a really good job of administering her duties as the
9 secretary of state for Washington. I will vote for her
10 because she does a good job. I think people should be a
11 little bit more -- less tribal, I think, in their voting.

12 MS. MELL: Who has an issue here, all of you being
13 from the south sound, with the weight of the Seattle vote,
14 King County? Has anybody heard that King County elects its
15 officials across the state? If you don't have the King
16 County vote, you're not being elected. Any south sounders
17 here have an issue with that?

18 PROSPECTIVE JUROR: I do. I do. I'll be very
19 honest. Our whole state, the decision of our whole state is
20 weighed within one central area, just based on population.
21 So, sure, sure, I have an issue.

22 The Attorney General, when we vote Attorney General,
23 doesn't matter what our party is, we can vote for either way
24 when it comes to Attorney General. You were talking about
25 voting party line on that. You can vote opposite parties on

1 that.

2 MS. MELL: There is a system here when it comes down
3 to the final day, you can choose who you want to vote for.
4 That's true.

5 Tell me about issues like strong feelings that you would
6 have about a private corporation that is in the detention
7 business. Some people say, for instance, they would never
8 invest in a corporation that they didn't believe in. Other
9 people would say, if the corporation pays dividends and is
10 running a successful, healthy company, that's what we are
11 looking for, that's why we have corporations to invest in and
12 that makes the market economy successful. Others would say,
13 you know, I don't even know what my stocks or my investments
14 are.

15 Who tracks their investment such they wouldn't invest in a
16 company they don't believe in? Anybody else?

17 No. 12. Juror No. 12, tell me about your beliefs on
18 corporations and how you should invest in them.

19 PROSPECTIVE JUROR 12: Can you hear me?

20 MS. MELL: I can.

21 PROSPECTIVE JUROR 12: You can. Okay. I was going
22 to say, yeah, I mean, I don't know if I am a big investor,
23 whatever. I would hope that my investments were with
24 corporations that were honest, that were making a profit, not
25 off of exploiting people or whatever, but, you know, making

1 the profits honestly than that and morally would be -- I
2 would hope that my -- most of my investments are in where I
3 used to work and that, so, you know, I don't know that -- I
4 am not a big investor. I would want -- I would hope that
5 these companies are getting -- making a profit morally,
6 ethically right, that they are not exploiting people in
7 situations like that. That is probably hard for some, I
8 guess.

9 MS. MELL: Tell me this: Is it immoral to be a
10 privately run detention center and develop income from
11 detention services providing a facility for the safe and
12 secure needs of people in government custody?

13 PROSPECTIVE JUROR 12: I am not a big expert on it --

14 THE COURT: Excuse me. Hold on a second. I am not
15 hearing anything here. There is something going on with my
16 hearing aids.

17 PROSPECTIVE JUROR 12: Am I still on?

18 THE COURT: Wait a minute. Let's see what is going
19 on with the sound. Where is Tyler?

20 THE CLERK: Yes, sir.

21 THE COURT: All of a sudden there, Tyler, I lost the
22 sound. I couldn't hear.

23 THE CLERK: It still shows you as hooked up to audio.
24 Do we need to switch to the headset?

25 THE COURT: I can't hear him.

1 THE CLERK: Rachel, do we need to switch to the
2 headset?

3 Your Honor, it looks like you are muted.

4 THE COURT: Okay. Ms. Mell, can you hear me?

5 MS. MELL: Yes, Your Honor, I can.

6 THE COURT: Okay. I can hear you so I guess whatever
7 happened, happened. I don't know what it was. I am on the
8 other system now. Let's go back to where you were, your
9 question.

10 MS. MELL: I am going to ask a new question. I asked
11 about investing in corporations. If you are not an investor
12 and not putting money into the stock market, how about
13 working for a company you don't believe in the premise, or
14 you believe they are doing something that you don't like?
15 Anybody here believe you should only work for a company and
16 only take a job you believe in? Juror No. 7?

17 PROSPECTIVE JUROR 7: I personally would only work
18 for a company that I believe in. That doesn't mean everybody
19 has to do that. A lot of people, they take their jobs where
20 they can get them.

21 MS. MELL: If I asked you to work for a company that
22 invests in properties and develops properties for detention
23 purposes, is that a place you would consider working?

24 PROSPECTIVE JUROR 7: That would be fine because, to
25 be perfectly honest, I didn't even know what these detention

1 facilities were until it was a word on the questionnaire. I
2 didn't know they existed. It is something way down in
3 Florida, there were kids being kept in some kind of detention
4 center, and that's about all I knew about that.

5 MS. MELL: We are not in Florida, and we are not on
6 the border doing those kind of things. Who here believes
7 they heard something in the media that they believe is going
8 on in the detention center? Does anybody have a belief the
9 detention center holds minors?

10 Do you believe the detention center -- somehow GEO's
11 exploiting anybody there or has any control over the people
12 that are there?

13 Juror No. 4?

14 PROSPECTIVE JUROR 4: Is it okay to say I never heard
15 of GEO before this day?

16 MS. MELL: It is. It is. It absolutely is.

17 Let's see, Juror No. 6, I wanted to ask you whether or not
18 you had the experience, since you talked about your history
19 of coming to the country when you were 16, have you, since
20 living here, been involved in the immigration issues down at
21 the detention center?

22 PROSPECTIVE JUROR 6: I was never detained by
23 anybody. I never been involved in any kind of detention or
24 have any experience in that kind of environment.

25 MS. MELL: In terms of feelings about that part of

1 the immigration process, do you have strong feelings and
2 negative feelings about the way detention works or doesn't
3 work or the fact it exists?

4 PROSPECTIVE JUROR 6: This is the first time I hear
5 it is a private company. I thought it was always the
6 government, like the government offices dealing with people
7 who they caught. This is the first time I hear it is
8 actually a different company dealing with immigration.

9 MS. MELL: Does everyone know the detention center
10 down on the Tideflats actually has courtrooms in it, and ICE
11 operates out of there? People know that ICE is functioning
12 down there, and the processing occurs by the courts who are
13 federal workers, who are part of Homeland Security? No?
14 Yes? This is going to be fun. You are going to learn
15 everything about what goes on in Tacoma.

16 All right. Juror No. 11, I see you work for ecology, I
17 think, yes. Do I have the right agency?

18 PROSPECTIVE JUROR 11: Yes, I do.

19 MS. MELL: Have you been involved in your work there
20 with the debates that go on in the legislative arena over
21 privatization versus government jobs?

22 PROSPECTIVE JUROR 11: I don't work in the regulatory
23 or the legislative part of the Department of Ecology. I work
24 on the science arm. We do research, environmental research
25 and that kind of thing.

1 MS. MELL: Do you have a feeling that government only
2 should operate detention?

3 PROSPECTIVE JUROR 11: I kind of distinguish between
4 detention facilities and prisons. I don't know that much
5 about detention facilities, so I can't provide an answer on
6 that. I don't believe that private companies should run
7 prisons, however.

8 MS. MELL: What is the difference between a private
9 company running a prison and detention in your mind? What is
10 the difference?

11 PROSPECTIVE JUROR 11: Like I said, I don't know that
12 much about detention facilities. My sense is the people that
13 are in the detention facilities, the immigrants, are being
14 detained because they are waiting to be -- see if they have a
15 legal case to become citizens or get on the path to
16 citizenship, so they are being detained for that.

17 People in prison have been convicted of a crime. It is a
18 different thing. I don't know if I am right in that or not,
19 but that's kind of my sense of it.

20 MS. MELL: Has anybody been here since 2007 when
21 Washington grappled with the issue of private use of inmate
22 labor relative to its constitution? Anybody remember that
23 discussion? So there was a conversation that went on at the
24 state level about inmate labor and use and private
25 corporations being able to use inmate labor. Proponents put

1 out a statement in support that basically said offenders
2 shouldn't just sit idle while they serve their time in state
3 prison. They should work to reduce the burden on taxpayers
4 by paying room and board or other money that they owe. The
5 one sure way to accomplish this is to allow private
6 for-profit businesses to employ offenders in our prisons
7 without putting the public safety at risk. Offenders working
8 promotes both inside safe -- safety both inside and outside
9 our prisons.

10 Now, the opposite side was out there saying --

11 THE COURT: Wait a minute. Wait a minute. Get to a
12 question, please.

13 MS. MELL: There was obviously an opposing side of
14 that. The opposing side was, that would compete with private
15 industry. Who has strong feelings on either the proposed or
16 the opposition of that issue? How about the issue of minimum
17 wage versus independent contract work? Who on this panel
18 works as an independent contractor? Who -- let's talk about
19 the Minimum Wage Act. Minimum Wage Act. Some people think
20 the government should be involved in setting a minimum wage.
21 Other people would say the market sets the rate, and it
22 facilitates jobs when you don't have rates set by the
23 government. Who is strongly on the side of government
24 setting the minimum wage?

25 Juror No. 14, tell us about your beliefs in the government

1 setting the minimum wage.

2 PROSPECTIVE JUROR 14: I think it is just a risk that
3 we shouldn't take. I would hate to see anybody being
4 exploited, which can happen, unfortunately. Not everyone has
5 the same concern for their fellow man and so, you know, some
6 businesses, some individuals who run a business could exploit
7 workers. So, really, to have a fair chance to compete in
8 our -- or to succeed in our economy, workers should have
9 minimum wage, probably a living wage, really. I would say
10 that is necessary. I don't know about these people. They
11 don't sound like regular employees. Again, I don't have an
12 opinion for sure on this group. For a regular employee, they
13 should have a minimum wage, and let's hope it is a living
14 wage as well.

15 MS. MELL: How about on the question of if the
16 government should set it? Who on the panel thinks local
17 government should set the rate or it should be set at the
18 federal level?

19 Juror No -- let's see, 12, tell me what you think about
20 that.

21 PROSPECTIVE JUROR 12: Yeah. I hope -- yeah, I don't
22 think it should just be a blanket minimum wage or whatever.
23 It can vary from county to county or whatever. That would be
24 my thought on it, belief. There is -- the cost of living in
25 Seattle is higher than obviously some of the eastern counties

1 in that. You would have -- it would be -- I can see where
2 there would be a difference in the minimum wage, what it
3 costs to live in Ritzville compared to Seattle.

4 MS. MELL: Juror 16, how about you? Have you known
5 anyone or experience in the debate about minimum wages where
6 the concern was if the rate is set at a rate that is too
7 high, that the program or the job would go away?

8 PROSPECTIVE JUROR 16: I don't have any opinions
9 either way. I am kind of neutral on this at this point. I
10 don't have any strong feelings either way.

11 MS. MELL: Does anybody have the experience of losing
12 a job over minimum wages?

13 PROSPECTIVE JUROR: I have friends that lost jobs at
14 minimum wage. They were hired at a certain rate. When the
15 minimum wage amount went up, was increased, the business
16 reduced their number of employees and managed the business
17 with -- small business, managed the business with two instead
18 of four.

19 MS. MELL: In that situation, did you or the folks,
20 friends you knew, fault the employer or did they fault the
21 government? Or they just -- (inaudible) natural transition?

22 PROSPECTIVE JUROR: They did not fault the employer.
23 They understood when a policy is made, the employer does not
24 have a choice on that. They did not fault the employer.
25 They had to go find another job.

1 MS. MELL: So on the more sensitive issue of
2 immigration; who has feelings that detention should not be a
3 tool of immigration, all the needs of our country could be
4 handled through non-secure methods, home monitoring perhaps,
5 some tool or implement like that?

6 PROSPECTIVE JUROR: Who pays for that?

7 MS. MELL: That is an issue that I was going to ask
8 you when we were talking about the Attorney General's
9 lawsuits. Who thinks that it is -- do I want to say that?
10 Who thinks the Attorney General has the decision-making
11 authority over what happens to any recovery in the lawsuits
12 that he brings? Do people know what happens? Who follows
13 the legislative cycle? Anybody here gone down and testified
14 on the budget bill, weighed in on appropriation to agencies?
15 No?

16 How about back to the issue of what is the purpose? I
17 want to kind of build on Mr. Whitehead's bridges-versus-walls
18 issue. Does anybody have strong feelings -- I guess some
19 people would say that those people who don't follow the
20 paperwork and don't get here following the rules are not a
21 threat to our communities because they are fleeing asylum or
22 other unpleasant, untenable situations. Others would say
23 that anybody who is in the United States who hasn't followed
24 the paperwork necessarily are a threat to our safety and
25 security. Who has an opinion strongly on one side or the

1 other of that framing of the issue?

2 How about No. 16?

3 PROSPECTIVE JUROR 16: No, I don't have strong
4 feelings either way at this time.

5 THE COURT: Ms. Rickabaugh had her hand up a minute
6 ago.

7 MS. MELL: No. 4.

8 PROSPECTIVE JUROR 4: I did. Can you rephrase the
9 question for a moment? I lost my train of thought.

10 MS. MELL: Oh, sure. Are you on the side of
11 believing that anyone who hasn't followed the paperwork
12 presents a security threat to the United States or are you on
13 the side of if they didn't follow the paperwork, they are
14 fleeing asylum or some other threat and don't pose a threat
15 being in the United States?

16 PROSPECTIVE JUROR 4: That is going to come down to
17 an individual. I -- I guess -- I can't really say I am pro
18 one or the other because some people have to come if they are
19 fleeing a threat. You know, not only for immigration, but in
20 any circumstance because fleeing a threat, sometimes you do
21 things you wouldn't normally do for safety because that's our
22 nature. I suppose once they are detained, for lack of a
23 better way to put it, discovering the individual situation
24 and then determining from there what the best thing to do
25 would be would probably be where I would want to land. I

1 don't know what the law specifically says on that. I don't
2 think we can blink at everybody that way. Like I said,
3 people are trying to come, there is no imminent threat from
4 where they are coming from. They want to become a citizen of
5 the United States and go through the proper route or whatever
6 legal route, you know. I know people who have had trouble
7 just -- it is a long process, but have done it legally and
8 well. I don't know anybody that has come illegally and then
9 pursued a legal route. I think, yeah, it would have to be on
10 an individual basis. We can't just catch and return people
11 just because they came illegally. I think it should be -- we
12 should take them on a personal, individual, as a human
13 case-by-case basis. Did I answer your question?

14 MS. MELL: Yes.

15 THE COURT: Thank you, Ms. Rickabaugh.

16 Your time has elapsed, Ms. Mell.

17 MS. MELL: Thank you, everyone.

18 THE COURT: Mr. Crosley, tell me a little bit more
19 about your work problem that you described earlier.

20 PROSPECTIVE JUROR 11: Director of applications at an
21 insurance company. There is a lot of teams and a lot of
22 people that report to me. Knowing now this could be four
23 plus weeks, I think it is going to be very difficult for me
24 to be not available during business hours for that duration.
25 I want to do my duty and everything. If it was going to be a

1 shorter stint, I could juggle both and get work done in the
2 evening and into the night. That amount of weeks, I think is
3 going to have a really negative impact on my ability to do my
4 job and see projects through.

5 THE COURT: Who is it you work for?

6 PROSPECTIVE JUROR 11: Mutual of Enumclaw.

7 THE COURT: Say that again.

8 PROSPECTIVE JUROR 11: I work for Mutual of Enumclaw
9 in Enumclaw, Washington.

10 THE COURT: Mr. Troemel, you also had a work issue.

11 PROSPECTIVE JUROR 2: Yeah.

12 THE COURT: Mostly -- go ahead. I'm sorry.

13 PROSPECTIVE JUROR 2: I am the sole provider for my
14 family right now. I cannot -- I am losing about \$300 a day.
15 My kids will be home here -- school is out in, like, two
16 days. I am not going to be able to do this. I cannot miss
17 work.

18 THE COURT: Okay. Thank you.

19 PROSPECTIVE JUROR 2: Not for \$50 a day. It is too
20 much of a burden. I make about \$300 day. Being the only
21 sole provider for my family, I cannot miss out on the work.

22 THE COURT: Ms. Tooley, did you get your computer
23 deal squared away with, who was it? Your mother?

24 PROSPECTIVE JUROR 7: I am sure it will probably be
25 fine. I will let you know if it is not.

1 THE COURT: Okay. We will turn to challenges for
2 cause. For this period, we are going to put you back in the
3 waiting room and we will be back with you hopefully very
4 shortly.

5 THE CLERK: This will take a minute, Your Honor. I
6 will let you know when we are ready to proceed.

7 It appears that all the jurors are no longer in this
8 session.

9 THE COURT: All right. I am inclined to excuse Juror
10 No. 2. He not only has his work issues, but also some of the
11 things he said about this, I think, qualify him for release.
12 Is there any objection to excusing Mr. Troemel?

13 MS. MELL: No, Your Honor.

14 MS. CHIEN: No objection.

15 MR. WHITEHEAD: No objection.

16 THE COURT: I didn't hear.

17 MR. WHITEHEAD: This is private plaintiffs, no
18 objection here.

19 MS. CHIEN: No objection from the State.

20 THE COURT: Ms. Mell, you said no objection?

21 MS. MELL: No objection.

22 THE COURT: Juror No. 2 will be excused.

23 Challenges for cause, first for the plaintiff.

24 MR. WHITEHEAD: We would challenge Juror No. 8. She
25 expressed a clear bias against illegal immigrants and stated

1 unequivocally on the record she would have a problem deciding
2 a case involving folks that came to the United States
3 illegally.

4 THE COURT: Ms. Chien, as to Juror No. 8?

5 MS. CHIEN: We concur with Mr. Whitehead.

6 THE COURT: Ms. Mell?

7 MS. MELL: GEO would object to dismissal for cause.
8 I believe that juror would be willing to be fair. She
9 explained and expressed an ability to hear both sides of the
10 issue and did respond to the questions in a varied way that
11 is not definitive of an inherent bias on the wage and hour
12 issue.

13 THE COURT: I am not sure I understand the objection
14 for cause as to Juror No. 8.

15 MR. WHITEHEAD: Juror No. 8 is -- yes, she's the
16 woman that her husband worked on the border patrol. She
17 expressed a viewpoint that folks that came to the
18 United States illegally, that was problematic for her.
19 Knowing the circumstances behind how people end up at the
20 detention facility are varied, including some people that
21 came without prior permission, I believe that is the way I
22 put the question to her, she said that would be a problem for
23 her. Those people would face an uphill battle, in her mind,
24 as she sat in view of the evidence.

25 I think one of the other questions I asked her is whether

1 or not she was leaning against people that came to the
2 United States without prior permission.

3 Your Honor, both of those responses indicate that she
4 would not be able to sit with an objective mindset and listen
5 to the evidence in this case.

6 MS. SCHEFFEY: I would add, my notes say Juror 8 --

7 THE COURT: Wait a minute. Wait a minute. Wait a
8 minute. Ms. Mell's game here, I am afraid. I am not afraid.
9 But it is her. One a side, one a party.

10 MS. MELL: Yes, Your Honor, we would maintain that
11 this particular witness (sic) said she could keep an open
12 mind and was not biased on the ultimate issue, which was wage
13 and hour.

14 THE COURT: I am satisfied that I should deny the
15 challenge for cause. You know, during this voir dire, we
16 were all over the place on everything except the issues in
17 this case regarding minimum wage paid to detainees. I am
18 satisfied anyway that Juror No. 8 should not be excused for
19 cause.

20 Any other challenges, Mr. Whitehead?

21 MR. WHITEHEAD: No, I don't believe I have any other
22 for cause.

23 THE COURT: Ms. Chien?

24 MS. CHIEN: Nothing for cause.

25 THE COURT: Ms. Mell?

1 MS. MELL: No, Your Honor, nothing for cause.

2 THE COURT: How many remain from this flight, Tyler?

3 THE CLERK: I believe that would leave 11 out of the
4 original 16. Five were excused.

5 THE COURT: Okay. Better than I anticipated. All
6 right. I guess we will go to the next flight. Wait a
7 minute. I better --

8 THE CLERK: Did you want to bring in Juror No. 2 to
9 tell him he's excused?

10 THE COURT: I should talk to the whole panel.

11 THE CLERK: Just those initial 16 or 11 now? Okay.
12 I am going to have to bring everybody in and then kick them
13 out again. There is no better way to do this. So just a
14 moment.

15 I am going to put most of you back in the breakout rooms.
16 The original 16 will remain here. Just a moment.

17 THE COURT: Okay.

18 THE CLERK: There is one that is not from this flight
19 remaining. Just a moment. I am not sure if Juror 25 can
20 move on her own. I am attempting to put her in the other
21 breakout room, but it is not working for some reason.

22 THE COURT: I think I have most of our panel here.

23 Mr. Troemel, you may be excused. Thank you very much for
24 coming in and participating this morning.

25 PROSPECTIVE JUROR 2: Thank you.

1 THE COURT: The rest of you, just be patient and wait
2 while we interrogate another panel. We will be taking a
3 break at noon for an hour before we get back to the first
4 panel. You can plan on being ready to come back to court
5 after 1:00.

6 All right.

7 THE CLERK: If you would remain signed into Zoom, it
8 would be helpful instead of signing out and signing back in.
9 Do you want me to bring in the second group?

10 THE COURT: Yes, excuse the first panel and bring in
11 the second panel.

12 THE CLERK: It will take a minute to get everybody
13 shuffled around. Let me take a minute to put everybody in
14 order.

15 All right. They are all here in order.

16 THE COURT: All right. Ladies and gentlemen, as the
17 screen indicates, I am Judge Bryan. I'm sorry this takes as
18 long as it takes. You have been patient to wait. I
19 appreciate it. We will go into the afternoon, I am sure,
20 with this process. We will keep moving along, and it is hard
21 to see from your standpoint, but we are making good progress.
22 So hopefully we will have this completed today.

23 Now, first, we are going to ask you a series of questions.
24 As I indicated earlier, this requires that all jurors be
25 sworn before we ask you questions touching on your

1 qualifications. I would ask that you raise your right hands,
2 and the clerk will administer the oath.

3 THE CLERK: Do you and each of you solemnly swear or
4 affirm that you will well and truly answer such questions as
5 may be asked of you touching upon your qualifications to
6 serve as jurors in the trial now before the Court? You can
7 say "I do."

8 (Jurors responded affirmatively.)

9 THE COURT: Please respond "I do," if you have not.

10 All right. Maybe I should ask anyone that doesn't. All
11 right. Now, did all of you hear my introduction to the case
12 that I read earlier?

13 PROSPECTIVE JUROR 32: Yes.

14 PROSPECTIVE JUROR 27: Yes.

15 PROSPECTIVE JUROR 24: Yes.

16 THE COURT: Is there anyone that would make a change
17 to the written information that you provided to the court
18 about jury service? Is all that true and correct to the best
19 of your ability still?

20 Using the Zoom platform for trials is a fairly new thing
21 caused by the COVID-19 pandemic. We are trying to find ways
22 to keep the courts open and operate consistent with safety
23 and health requirements. This requires that all concerned,
24 including the jurors, cooperate and promptly report any
25 issues. I had an issue earlier where my sound went out for

1 some reason. We need to know right away if you suffer any
2 loss of audio or visual connection. We need you to cooperate
3 with all aspects of what goes on in order to provide a fair
4 trial to all concerned.

5 Is there anyone that believes you cannot fairly
6 participate in these proceedings using the Zoom platform?

7 PROSPECTIVE JUROR: No, sir.

8 THE COURT: Ms. Adkison?

9 PROSPECTIVE JUROR 25: No. I am okay with
10 everything.

11 THE COURT: You say you are okay with everything?

12 PROSPECTIVE JUROR 25: Yes, I am okay with
13 everything.

14 THE COURT: I guess the rest of you are, too.

15 We are talking about a time estimate of three weeks for
16 the first phase of the case and possibly another week after
17 that. That is a time estimate. Lawyers and judges are
18 terrible time estimators. Once we start, it takes as long as
19 it takes.

20 Typically, we will be in court or on the Zoom platform
21 from nine to noon and one to four every day until the case is
22 over, with morning and afternoon breaks.

23 Now, is there anything in your life that would make it
24 truly difficult or truly unfair for you to be a juror on this
25 case?

1 PROSPECTIVE JUROR 29: No, sir.

2 PROSPECTIVE JUROR 25: Nope.

3 PROSPECTIVE JUROR 20: I have a vacation planned
4 starting on the 24th of this month. This is Smith, No. 20.
5 I have a vacation. It goes from the 24 for about a week and
6 a half. I would be fine for three weeks. The extra week, I
7 won't be available.

8 THE COURT: Let me get a new piece of notepaper here.
9 You have a reservation, you say, Mr. Smith?

10 PROSPECTIVE JUROR 20: Yeah, it is actually a bowling
11 tournament. We registered a year ago down in Las Vegas. It
12 has been planned for quite a while.

13 THE COURT: Okay. You are a participant in the
14 tournament?

15 PROSPECTIVE JUROR 20: Yeah.

16 THE COURT: I don't want to ask how good a bowler you
17 are.

18 PROSPECTIVE JUROR 20: It depends.

19 THE COURT: I want to ask, this is important to you?

20 PROSPECTIVE JUROR 20: Yeah. It is the national
21 bowling tournament. It is actually a trip my family is going
22 to be going with me this time as well. We are -- we have
23 reservations at different places going there and coming back.

24 PROSPECTIVE JUROR 19: I am running what is called a
25 sweeper for a bowling league on Friday.

1 THE COURT: I am -- you are breaking up. I am not
2 hearing you very well.

3 PROSPECTIVE JUROR 19: I am running a sweeper for a
4 bowling league on Friday. As far as I know, I am the only
5 one that can do it.

6 THE COURT: You run a sweeper?

7 PROSPECTIVE JUROR 19: Yes, sir. Yeah. I don't know
8 how to explain it. Basically, I am in charge of tracking
9 scores, collecting money. It is an add-on to a final season
10 for bowling. And I have a vacation flying out of town July
11 11th.

12 THE COURT: When is that planned?

13 PROSPECTIVE JUROR 19: July 11th for five days.

14 THE COURT: Anyone else?

15 PROSPECTIVE JUROR 18: No.

16 THE COURT: Mr. Knight.

17 PROSPECTIVE JUROR 18: Youngest daughter's high
18 school graduation and family in town the 15th through the
19 17th of June.

20 THE COURT: I'm sorry, I need you to say that again
21 to hear.

22 PROSPECTIVE JUROR 18: Our youngest daughter's high
23 school graduation and family, relatives in from out of town
24 the 15th through the 17th of June.

25 THE COURT: Ms. Burton, you have your hand raised.

1 PROSPECTIVE JUROR 17: Yes. I have a couple of
2 things. Six days a week for four a hours day in our
3 demonstration garden where we are growing food for the food
4 bank and we provide vegetable starts. It was deemed
5 essential last year when we had the shutdown for COVID; that
6 was the only thing we could do. We are continuing to do that
7 and provide these to our local food banks. I am the only one
8 that runs the garden. Without me, plants won't get watered,
9 food won't go out. I don't know if that means a lot to you.
10 I am being facetious about that. I didn't know what level of
11 concern that would raise for you. For me, it is the job I do
12 right now as a retired person. It is very important to me
13 and certainly the food banks as well.

14 THE COURT: Okay. Mr. Pereira, you had your hand up,
15 too.

16 PROSPECTIVE JUROR 24: I am a single father and I
17 have a trip planned with my daughter on June 17th, Father's
18 Day weekend through that Monday, I believe, the 21st.

19 THE COURT: I'm sorry. I am having trouble with
20 hearing here. Would you say that again for me?

21 PROSPECTIVE JUROR 24: As a single father, I have a
22 Father's Day trip planned with my daughter from the 17th
23 through the 21st.

24 THE COURT: Where are you going?

25 PROSPECTIVE JUROR: Randle, Washington. We have a

1 cabin rented.

2 THE COURT: Mr. Laws, you have your hand up.

3 PROSPECTIVE JUROR 29: I have a tough work schedule.
4 I am working 12-hour shifts. I am usually getting home at
5 about two a.m. I think the hardship, you know, me being
6 focused on the case, like, I don't see me really being
7 focused on the case because, you know, I might -- you know, I
8 am going to be probably sleepy most of the time. During
9 these breaks, I am getting my sleep in.

10 THE COURT: Mr. MacRobert.

11 PROSPECTIVE JUROR 30: I am the Washington
12 association representative to the Public Benefits Employees
13 Board. We have two meetings scheduled this month, June 9 and
14 June 30th. I was appointed by Governor Inslee in 2018. I
15 have never missed a meeting. We have some very important
16 decisions we are going to be making this month with regard to
17 public employee benefits.

18 THE COURT: Anybody else with problems relative to
19 jury service on this? I will -- you have something further,
20 Mr. Laws?

21 PROSPECTIVE JUROR 30: No.

22 THE COURT: I will deal with those issues that you
23 have raised after lunch.

24 Do all of you have the materials -- camera and laptop or
25 computer and an internet that works -- so that you can

1 continue on this Zoom platform? Anyone that cannot?

2 Do all of have you a quiet place where you can participate
3 online several hours a day as I described, without being
4 interrupted?

5 PROSPECTIVE JUROR: Yes, sir.

6 THE COURT: Mr. Pereira, you are giving me the
7 thumbs-up. I thought you had something to say.

8 Anyone that could not give the case your full attention?

9 PROSPECTIVE JUROR 26: No, sir.

10 THE COURT: Do any of you know any of the lawyers
11 that I introduced earlier?

12 PROSPECTIVE JUROR 26: No, sir.

13 THE COURT: I am not sure you saw them. Did you see
14 the lawyers earlier? Well, let me introduce them again.

15 For the plaintiff, we have Mr. Whitehead and Mr. Berger;
16 and for the State, Ms. Brenneke, Ms. Chien and Mr. Polozola;
17 and for the defense, Ms. Mell, Ms. Scheffey and
18 Mr. Silverman. Right? Okay. All right. Do you know of any
19 of those lawyers that are involved in the case?

20 I read a lengthy list of witnesses. Do any of you know or
21 know of the any of the people on that list?

22 (Jurors respond negatively.)

23 PROSPECTIVE JUROR 19: There might be a David
24 Johnson. I have a brother David Johnson.

25 THE COURT: Where is your brother?

1 PROSPECTIVE JUROR 19: Portland, Oregon or Long
2 Beach, Washington.

3 THE COURT: What does he do for a living?

4 PROSPECTIVE JUROR: Retired and working for Cabela's.

5 THE COURT: I don't think that is the seem one as the
6 witness.

7 Are any of you or anyone close to you involved with the
8 courts or the administration of justice?

9 PROSPECTIVE JUROR 19: No, sir.

10 THE COURT: Any of you involved with law enforcement?

11 PROSPECTIVE JUROR 19: I am retired from law
12 enforcement.

13 THE COURT: What did you do before you retired?

14 PROSPECTIVE JUROR: The first 17 years I was motor
15 carrier enforcement officer. The last 17 I was safety
16 investigator.

17 MS. MELL: Your Honor? Your Honor, I have to ask a
18 question. I can't tell if Juror No. 30 is watching and
19 presenting via his cell phone or if he is doing something
20 else on his phone.

21 THE COURT: Thank you. We want you to be paying
22 attention here even if you feel it is not very interesting.

23 Okay. It is about noontime. I want to remind you not to
24 discuss the case with each other or anyone else. Don't let
25 anyone talk to you about it. Don't do anything like looking

1 up things on the internet about the case. Get the case out
2 of your mind for the noon hour, and we will come back to work
3 at 1:00. I appreciate your patience. It has been a long
4 morning already. We are making progress. We will get
5 through this this afternoon, I think.

6 Okay. We will call you back to order at 1:00.

7 THE CLERK: Please remain signed into Zoom. You can
8 go ahead and shut off your camera and microphone. If you
9 would stay signed in, that would be helpful.

10 PROSPECTIVE JUROR: I have one question. I am using
11 my iPad and it is down to 45 percent. It was at 100 when we
12 started. I will try and plug it in. If I suddenly
13 disappear, I do have my cell phone right next to it. I can
14 switch over to my cell phone if I need to.

15 THE COURT: You can go ahead and charge it over
16 lunch. Just because we have to rename people because of the
17 numbers system, if you can stay signed in, we would greatly
18 appreciate it. If it is not possible, I understand and we
19 will deal with it.

20 PROSPECTIVE JUROR: Thank you.

21 (Recessed.)
22
23
24
25

AFTERNOON SESSION

JUNE 1, 2021

(The following occurred outside the presence
of the prospective jury panel.)

THE COURT: Okay. Can you all hear me? The
voir dire in the last session, there is way too much talking
and way too little questions. You don't require a long
dissertation about what the answers might be before you ask
questions. I almost cut a couple of you off a couple of
times when it was just too much talk. I would call that to
your attention.

Are we ready to proceed? A lot of these people gave
different excuses. I am not sure that any of them in and of
themselves were sufficient to justify letting them go. I may
have some more questions of them about that.

Let's bring the jury in and get going.

THE CLERK: We are just bringing in the second
flight, correct? Okay.

THE COURT: Yes.

THE CLERK: Again, everybody will be coming in, and I
have to put the other ones out. Give me a minute.

THE COURT: Tyler, are we about set here?

THE CLERK: I need to put the last couple of ones in
order and then we should be set.

Now we are all ready. We are good to go.

1 (The following occurred in the presence of
2 the prospective jurors.)

3 THE COURT: All right. Folks, I understand a number
4 of you had issues with serving on this case. I am not going
5 to rule on those at this time. We will consider them.

6 Are you or anyone close to you involved with law
7 enforcement or the administration of justice? No lawyers in
8 the crowd? No police officers?

9 Do any of you have any particular relationship with or
10 particular knowledge about the Immigration and Customs
11 Enforcement agency known as ICE?

12 PROSPECTIVE JUROR 19: I worked with them a couple
13 times. This is No. 19.

14 PROSPECTIVE JUROR 26: No.

15 THE COURT: Mr. Johnson?

16 PROSPECTIVE JUROR 19: Yes, sir.

17 THE COURT: Did you add something?

18 PROSPECTIVE JUROR 19: I did. I actually worked with
19 the agency a few times in my career.

20 THE COURT: What agency?

21 PROSPECTIVE JUROR 19: ICE and Customs, yes.

22 THE COURT: What was your job with ICE?

23 PROSPECTIVE JUROR 19: I just obtained documentation
24 and information for them to proceed with a case against --
25 basically, the driver or the company owner that I was dealing

1 with.

2 THE COURT: Going into this case, do you think you
3 would have some -- that you would be likely to side with
4 whatever side of the case ICE might seem to be on?

5 PROSPECTIVE JUROR 19: Not in this particular case,
6 Your Honor.

7 THE COURT: Do you think you can be fair and
8 impartial on the issue regarding minimum wage?

9 PROSPECTIVE JUROR 19: Yes, Your Honor.

10 THE COURT: Do any of you have strong feelings about
11 immigration or immigrants or the immigration policy that
12 might cause you to start into the case favoring or
13 disfavoring one side?

14 PROSPECTIVE JUROR 30: I do.

15 PROSPECTIVE JUROR 25: I do, too.

16 PROSPECTIVE JUROR 21: I do, too.

17 THE COURT: Let me ask you in order. Let me start, I
18 guess you are numbered in order. Let me start up here in the
19 upper left, who raised their hand?

20 Ms. Burton, did you have feelings about immigration you
21 wanted to share?

22 PROSPECTIVE JUROR 17: (Indicated in the negative.)

23 THE COURT: Mr. Knight, what comes to mind?

24 PROSPECTIVE JUROR 18: I just feel we need to be
25 taking care of our people here right now, and we just seem to

1 be letting a lot of people in that we can't take care of. So
2 it is just difficult. If I got it right, I mean, the people
3 in the detention center are there because they tried to get
4 into the country without following the proper channels.

5 THE COURT: Well, not all of them.

6 PROSPECTIVE JUROR 18: Sure. I am sure there are
7 some exceptions. In general, the role of that facility is to
8 house people while they are waiting for their cases to be
9 heard and they were there because they didn't follow the
10 proper channels to gain citizenship.

11 THE COURT: Okay. Mr. Johnson, did you have your
12 hand up?

13 PROSPECTIVE JUROR 19: No, Your Honor.

14 THE COURT: Mr. Smith? I don't know who raised their
15 hand about this question. Mr. Groves did.

16 PROSPECTIVE JUROR 21: I am first generation. My
17 father and his family came in legally. I have no problem as
18 long as people follow the rules coming into the country.

19 THE COURT: Anyone else have strong feelings about
20 immigration? Raise your hand.

21 PROSPECTIVE JUROR 25: Can you not see me here?

22 THE COURT: Ms. Adkison.

23 PROSPECTIVE JUROR 25: If they are already in a
24 detention center, they have either come here illegally or
25 they have been accused of a crime. I think they should be

1 deported if that's the case.

2 THE COURT: You are making assumptions without
3 hearing the evidence in this case, I am afraid, Ms. Adkison.
4 Let me ask you this: Insofar as that may be relevant, and I
5 am not sure about that yet, would you be willing and able to
6 hear the evidence on that subject as to who is housed in the
7 detention center?

8 PROSPECTIVE JUROR 25: Yes, I would.

9 THE COURT: And make a judgment based on the
10 evidence?

11 PROSPECTIVE JUROR 25: Yes, I would.

12 THE COURT: Mr. Pereira.

13 PROSPECTIVE JUROR 24: I was married to a European
14 National that went through the legal process to become a
15 naturalized citizen. I am in support of legal citizenship
16 and proper channels.

17 THE COURT: Okay. Who else had their hand up here?

18 PROSPECTIVE JUROR 30: No. 30.

19 THE COURT: Mr. Dazey, No. 28.

20 PROSPECTIVE JUROR 28: I am in the same camp as
21 basically everybody else that has spoken so far. I would
22 still, like you say, be willing to listen and see the
23 demographics of these folks that are in this facility.

24 THE COURT: Okay. Who else had their hand up?
25 Mr. MacRobert.

1 PROSPECTIVE JUROR 30: I think on the sheet I filled
2 out, I indicated I have some very strong feelings about what
3 I consider the school-to-prison pipeline. I am curious, is
4 GEO -- GEO is one of the defendants; is that correct?

5 THE COURT: Yes.

6 PROSPECTIVE JUROR 30: Is GEO a private corporation
7 that contracts with the federal government?

8 THE COURT: Yes.

9 PROSPECTIVE JUROR 30: Are they a for-profit
10 organization?

11 THE COURT: Yes.

12 PROSPECTIVE JUROR 30: So that's precisely what I
13 object to is profiting off of someone else's misery.

14 THE COURT: All right. Okay. Any other comments on
15 that subject? Mr. Gordon?

16 PROSPECTIVE JUROR 23: Thank you, Your Honor. I just
17 unmuted. I share Juror No. 30's concerns. I do feel I can
18 set those aside and consider the facts of this case.

19 THE COURT: Okay. Do any of you have any
20 relationship with or particular knowledge about GEO, other
21 than what you have heard in court today?

22 PROSPECTIVE JUROR 30: I have read quite a bit about
23 not GEO, but ICE and the school-to-prison pipeline as it is
24 so usually known as.

25 THE COURT: Do any of you have knowledge about or

1 relationship with the State Department of Labor & Industries
2 or the Attorney General's Office?

3 PROSPECTIVE JUROR 29: No, sir.

4 PROSPECTIVE JUROR 25: No.

5 THE COURT: Do any of you have strong feelings about
6 ICE or GEO that would cause you to start into the case
7 favoring or disfavoring one side?

8 PROSPECTIVE JUROR 21: No, sir.

9 PROSPECTIVE JUROR 25: No.

10 THE COURT: We touched on that subject a little bit
11 already. Do any of you have strong feelings about minimum
12 wage laws in general that might cause you to start into the
13 case favoring or disfavoring one side or the other?

14 PROSPECTIVE JUROR 18: Yes.

15 THE COURT: Who answered "yes"? Mr. Knight?

16 PROSPECTIVE JUROR 18: Yes, I do. My concern is that
17 if we got incarcerated individuals and they want to get paid
18 the same wage or more than individuals who have not done
19 anything to get placed in this institution, we are already
20 paying for them to be there, and as a taxpayer, now they want
21 to get paid even more. It is just ridiculous. They are
22 getting free room and board and health care and all that
23 other stuff already. And now they -- you are -- it sends me
24 sideways.

25 THE COURT: As with some of the other comments, I am

1 afraid you are assuming facts that are not yet in evidence
2 that may or may not be accurate.

3 Further comment, Mr. Dazey, on this matter? You are
4 muted. You are muted, Mr. Dazey. I don't know, we can't
5 hear you unless you unmute.

6 PROSPECTIVE JUROR 28: I apologize, Your Honor. I am
7 in the same camp as his comments. That's about all I can
8 say.

9 THE COURT: Any other comments on the last question?

10 PROSPECTIVE JUROR 26: No, sir.

11 PROSPECTIVE JUROR 30: Would you mind repeating that
12 last question?

13 THE COURT: I am not sure I can. I think it was
14 about any strong feelings about ICE or the GEO Group or, for
15 that matter, the State of Washington, that might cause any of
16 you to have strong feelings starting into the case that might
17 cause you to favor one side or the other.

18 PROSPECTIVE JUROR 30: I would have to answer yes.

19 THE COURT: And what are your feelings,
20 Mr. MacRobert, that you refer to?

21 PROSPECTIVE JUROR 30: Well, I think I indicated that
22 I have over the last four or five years done some research on
23 ICE. Not specifically about them, but just about the whole
24 immigration issue. I am very political. In my research, I
25 have read a lot of things that I find very disturbing. I am

1 also --

2 THE COURT: Let me ask you -- excuse me,
3 Mr. MacRobert. I don't want to ask you what you might have
4 learned in your research. Do you think starting into this
5 case you may have strong feelings one way or the other?

6 PROSPECTIVE JUROR 30: Probably, yes.

7 THE COURT: I think I should excuse you. You may be
8 excused. Thank you, Mr. MacRobert. I appreciate you
9 participating in this process.

10 Do any of you have any feelings about anything we have
11 discussed that would make it difficult for you to be fair or
12 impartial in this trial?

13 I asked about minimum wage generally. Mr. Knight
14 responded. Do any of the others have strong feelings that
15 might cause you to favor one side or the other in this case
16 on minimum wage?

17 MR. WHITEHEAD: This is Mr. Whitehead from the
18 private plaintiffs. Juror 28 had raised his hand to your
19 last question.

20 THE COURT: Mr. Dazey?

21 PROSPECTIVE JUROR 28: Yes, I feel pretty -- I can't
22 think of the words right now, but not unlike the last
23 gentleman. I do a lot of reading. I don't know. I am not
24 very happy the way they are working it.

25 THE COURT: Do you think from your reading and what

1 you may know about that you might find it difficult to be
2 fair and impartial in this case?

3 PROSPECTIVE JUROR 28: I am pretty strong headed on
4 things like that, so, yes.

5 THE COURT: Yeah. Okay. Well, I will excuse you as
6 well, Mr. Dazey. Thank you very much. You can check out.
7 Thank you.

8 Anyone else have a comment about minimum wage laws
9 generally?

10 PROSPECTIVE JUROR: No, sir.

11 THE COURT: Mr. Groves.

12 PROSPECTIVE JUROR 21: I feel the minimum wage is out
13 of control right now. If we are doing minimum wage for
14 everybody, no one is going to be able to afford to live in
15 the near future.

16 THE COURT: Do you think your feeling in that regard
17 would affect the -- your jury service in this case? That you
18 might start into the trial favoring or disfavoring one side
19 or the other?

20 PROSPECTIVE JUROR 21: I am not 100 percent sure.
21 No, sir.

22 THE COURT: I'm sorry, I didn't hear everything you
23 said.

24 PROSPECTIVE JUROR 21: I said I am not 100 percent
25 sure that I would be unbiased.

1 THE COURT: Well, I think we'll come back to that.
2 Do any of you have strong feelings about privately run
3 detention centers generally that might cause you to start
4 into the case with some bias or prejudice, one side or the
5 other?

6 PROSPECTIVE JUROR 32: No.

7 THE COURT: Do any of you have strong feelings about
8 class actions generally that might cause you to start into
9 the case with bias or prejudice one way or the other?

10 PROSPECTIVE JUROR 26: No, sir.

11 THE COURT: Is there anything about this case that
12 might cause any of you to start into the trial with feelings
13 or concerns that would favor one side or the other?

14 PROSPECTIVE JUROR 26: No, sir.

15 THE COURT: Any reason you might not be able to try
16 this case impartially?

17 PROSPECTIVE JUROR 26: No, sir.

18 THE COURT: Anything we have not discussed that you
19 think you should bring up at this point?

20 PROSPECTIVE JUROR: No, sir.

21 THE COURT: We will go to questions from counsel.
22 Please give your attention first to Mr. Whitehead. Is that
23 correct, Mr. Whitehead?

24 MR. WHITEHEAD: Yes, Your Honor. That's right.

25 Thank you. I started to say good morning, but that's

1 wrong. It is good afternoon. I am Jamal Whitehead. I am
2 one of the attorneys for the private plaintiffs.

3 My guess is if you are anything like me and you watch TV
4 and the law shows, you may be thinking that this is the part
5 of the trial where the lawyers ask trick questions trying to
6 psychoanalyze you to figure out who is good for their case.
7 I don't like to do it that way. Really, what I want is to
8 have a conversation with you. I want to know who wants to be
9 here, who wants to serve on the jury. I want to know who can
10 do that with an objective mindset. I can't give you specific
11 details about the case. I would love to. I can't talk about
12 the evidence. I will get in trouble. What we can talk about
13 are some of the principles that are at play here.

14 I will ask questions to get the ball rolling. I am not
15 trying to pry or to embarrass you, but, you know, my goal is
16 to just have a conversation. I want you to be brutally
17 honest both with me and yourself about whether or not you can
18 sit and listen to the evidence here with an objective
19 mindset. Doesn't mean there is anything wrong with you if
20 you can't. We all come to this life with experiences and
21 strong notions on some issues. You know, in talking --

22 THE COURT: Let's get to a question, Mr. Whitehead.

23 MR. WHITEHEAD: All right. Let's do that. I said
24 brutal honesty, I am going to start. If I am being brutally
25 honest with you, I am concerned that I represent people that

1 are or were in an immigration detention facility. Everyone
2 in this case will tell you they are not held there as
3 punishment. I am concerned some people will hold their
4 immigration status against them nevertheless. My question to
5 you is this: What trouble would you have, if even a little
6 bit, deciding a case about wages for people held inside an
7 immigration detention facility? Anybody want to get the ball
8 rolling? Some brave soul?

9 PROSPECTIVE JUROR 17: I don't have any problem
10 looking at that question. I am not sure I understand fully
11 what you mean. I don't have any problem looking at what the
12 State of Washington requires, what (inaudible), and the
13 contract they have with the private organization. It seems
14 like there is a lot of pieces moving in this case.

15 MR. WHITEHEAD: There are. I can't wait to tell you
16 all about them. I do want to hear from everyone. So thank
17 you very much for sharing. I appreciate it. I am just going
18 to work across my screen.

19 Mr. Knight, Juror No. 18, tell me about it.

20 PROSPECTIVE JUROR 18: As I mentioned earlier, I have
21 a real concern. We are providing health care, room and
22 board. And if these people are being held there for a
23 reason, they supposedly have a debt to society and now they
24 want more money, and who is going to end up paying that? It
25 is going to end up ultimately being the taxpayers, because

1 the taxpayers just contracted with a private organization to
2 provide these services. It is just going to increase our
3 costs. I guess if a person wants to work for a fair wage,
4 they shouldn't do things that would get them in a position to
5 be placed in a facility like this.

6 MR. WHITEHEAD: Thank you for sharing. I truly
7 appreciate it. We are trying to have a conversation. So let
8 me ask you: In terms of what you have just expressed to me,
9 right, what I am trying to figure out is whether or not the
10 plaintiffs in this case will get a fair shake. I know you
11 will listen to the evidence. I am not going to ask you that
12 question. But my question is, as you sit here at neutral,
13 not having heard the evidence or looked at the documents or
14 looked at any of the testimony, are you leaning ever so
15 slightly against immigrants proving their claims in a case
16 like this?

17 PROSPECTIVE JUROR 18: Again, these are people that
18 my understanding is they have been caught trying to enter the
19 country illegally. They weren't like a former employee of
20 mine who went through the work visa program, legally came
21 here to the United States, went through all the paperwork and
22 all this and that and went through the process like I think
23 some of the other folks in this group have described. My
24 former employee didn't end up in a detention center. He did
25 things right. You people running the border, it is just --

1 we seem to be letting more and more of them in nowadays with
2 the change in administration. It is just -- yeah, it just
3 kind of makes me really upset to even talk about this
4 subject. More could be done to prevent people from coming
5 into our country that is not being done the last several
6 months.

7 MR. WHITEHEAD: Thank you. You are 100 percent
8 entitled to your beliefs. No one can tell you to set aside
9 your beliefs, not even the judge, frankly. My question is
10 whether or not the folks that have claims in this case, if
11 you come into this because of your own experience disfavoring
12 their claims.

13 PROSPECTIVE JUROR 18: You know, I guess it is the
14 type of thing where it's something I don't want to be
15 involved in. There is people -- if there is people who want
16 to do jury service, then they need to go for it. Myself, you
17 know, especially a matter like this, it is just going to be
18 totally frustrating the whole time to sit here for weeks on
19 end and listen to stuff that, you know, ultimately in the
20 end, it is likely going to cost us taxpayers a ton more money
21 either through the legal process or if there is an award for
22 wages in that process, because it ultimately falls on the
23 taxpayers, and our national debt is just spiralling out of
24 control. This will only add to it.

25 MR. WHITEHEAD: Thank you. I appreciate you sharing.

1 THE COURT: Thank you, Mr. Knight.

2 MR. WHITEHEAD: I'm sorry, was there a question,
3 Your Honor?

4 THE COURT: Yes. Go ahead.

5 MR. WHITEHEAD: Just by show of hands, who else has a
6 similar view to Mr. Knight? If you could keep them up, I am
7 going to call out the numbers, Juror 24, Mr. Pereira; Juror
8 No. 25, Ms. Adkison.

9 Thank you.

10 Let's see, Mr. Pereira, tell us about it. What are your
11 thoughts?

12 PROSPECTIVE JUROR 24: I echo much of what Juror
13 No. 18 spoke about. I haven't heard all the evidence. I
14 don't want to speak without hearing the evidence. As I have
15 stated before, I was married to a lady who came from Europe.
16 Did the naturalization and the resident process legally. To
17 me, I believe we do afford those opportunities to everybody
18 who comes through legally.

19 MR. WHITEHEAD: So with your prior personal
20 experience and your wife coming through through proper
21 channels, do you think you would hold it against folks, maybe
22 even just a little bit, that came to the United States
23 without prior approval? Or didn't go through those official
24 channels?

25 PROSPECTIVE JUROR 24: There must be a reason why

1 they are in the detention center. Again, I am speaking out
2 of turn if I didn't hear all the evidence.

3 MR. WHITEHEAD: Last question: As you sit here,
4 would you be able to approach the evidence with an objective
5 mindset or do you feel like maybe you would be leaning, even
6 if it is just a little bit, against people that didn't come
7 through the proper channels?

8 PROSPECTIVE JUROR 24: I am pretty objective.

9 MR. WHITEHEAD: I am running short on time here.
10 Ms. Adkison?

11 PROSPECTIVE JUROR 25: I'm pretty much the same way
12 as Mr. Knight. I can be objective, too. I can listen to the
13 evidence, and I do have a strong opinion about illegal aliens
14 coming into this country not through the proper channels.

15 MR. WHITEHEAD: Thank you for sharing. Juror No. 19,
16 we haven't heard from you.

17 PROSPECTIVE JUROR 19: I have to unmute. Sorry. I
18 have had experiences on both sides. From the enforcement
19 side working with ICE, I stopped a driver that was here
20 getting paid cash to work in the United States illegally. I
21 provided the documentation to take action against him, along
22 with his boss and -- his boss. Also, I was living in north
23 Portland and our church community there was part of the Dole
24 plant that was attacked many years ago and many people
25 deported, and they were making less than minimum wage. I am

1 on both sides of it. I don't know.

2 MR. WHITEHEAD: Thank you for sharing. Let's see. I
3 am going to go across the top row on my screen.

4 Juror No. 21, Mr. Groves is it?

5 PROSPECTIVE JUROR 21: Yes, Mr. Groves. I just have
6 concerns about someone being in detention and getting minimum
7 wage. You are being provided for as it is, if I understand
8 correctly. They are getting a pittance for what they are
9 doing. Maybe "pittance" is not the correct word. Getting
10 something for what they are doing. I am not sure minimum
11 wage is the correct way to go.

12 MR. WHITEHEAD: As you think about your experiences
13 and your beliefs, do you think you would have trouble
14 deciding a case about wages for immigrants held inside an
15 immigration detention facility.

16 PROSPECTIVE JUROR 21: I don't have anything against
17 the immigrants. Anybody that is in a detention center per se
18 being paid minimum wage.

19 MR. WHITEHEAD: It's not so much the immigrants, just
20 the idea of minimum wage?

21 PROSPECTIVE JUROR 21: Correct.

22 MR. WHITEHEAD: Tell me more about that.

23 PROSPECTIVE JUROR 21: If I recall, minimum wage was
24 started to help youngsters get started in the world. It
25 wasn't created to be a sustaining wage for -- to maintain a

1 lifestyle.

2 MR. WHITEHEAD: Okay. Let's see. Juror 22, I don't
3 think we have heard from you.

4 PROSPECTIVE JUROR 22: I really don't have an opinion
5 on wages and immigration for being minimum wage. I don't
6 know what the laws are. I know prisoners in actual prison
7 cells don't make minimum wage. I don't know if that would
8 apply to the detention center or not. I would have to hear
9 the testimony and what it would be about.

10 MR. WHITEHEAD: Thank you for sharing. Juror No. 23,
11 Mr. Gordon.

12 PROSPECTIVE JUROR 23: I echo Juror No. 22's feelings
13 about this. My main question is: What is the law? We are
14 not going to try and change the law. We need to know the
15 law. I am not sure it will be part of the evidentiary
16 process we go through. In terms of a bias either against a
17 corporation or against individual immigrants, again, I can
18 set those feelings aside.

19 MR. WHITEHEAD: Thank you, sir.

20 We have heard from Juror Nos. 24 and 25. Juror No. 26,
21 Mr. Minor, tell us, what are your thoughts?

22 PROSPECTIVE JUROR 26: Well, I feel that America was
23 born on immigrants and the great melting pot. I'm saying, so
24 why -- okay, say you come from a country, say you might be
25 less than, know what I mean, but I'm saying so why don't you

1 give this person a chance? They might enhance the country
2 coming into the country. I am saying not because all you are
3 immigrants you are going to come here and do something bad.
4 I don't see it that way. I'm saying how are you going to
5 form opinion and you haven't even given this person a chance
6 yet?

7 MR. WHITEHEAD: All right. Thank you for sharing. I
8 appreciate that.

9 Juror 27, Ms. Van Well. Hi.

10 PROSPECTIVE JUROR 27: I guess I do have the -- what
11 the judge told us about earlier about unconscious biases. I
12 can see both sides of it. I think immigration is very
13 necessary. Like the last gentleman said, our country was
14 built on it. But I also think that paying detainees minimum
15 wage is not the way to go. I think -- I don't know the
16 reason that they were there in the first place. I think I
17 would have to hear the evidence before making up my mind. My
18 heart says one thing, but it is not the truth or the
19 evidence. It is not hard, you know what I mean? I want to
20 listen to what others have to say. I think that we do need
21 to make some reform in immigration. I don't know the answer
22 to that. I mean, nobody in this government seems to know the
23 answer on how to fix it. It needs to be fixed. But we do
24 need -- we need our immigrants. We need our workers, and
25 they do jobs that others do not want to do. That is part of

1 evolution. Every country has its immigrant workforce. I
2 think we should treat people fairly. I don't think the
3 minimum wage is the answer.

4 MR. WHITEHEAD: Thank you. Let's see. I don't know
5 how much time I have left.

6 THE COURT: You have zero time. You went over a
7 minute.

8 MR. WHITEHEAD: I said, "I don't know how much time."
9 I think I should have said, "I suspect I don't have any time
10 left." I will end there. Thank you for your time. I
11 appreciate it.

12 THE COURT: Who is next? Ms. Chien?

13 MS. CHIEN: Hi. My name is Marsha Chien. I
14 represent the State of Washington. Separate from
15 Mr. Whitehead who represents the detainee workers, I
16 represent the State of Washington, and I work for the
17 Attorney General's Office.

18 You may have heard of the Attorney General, Bob Ferguson.
19 I would like to ask how many people have heard of a lawsuit
20 that Bob Ferguson has brought against individuals and
21 businesses to protect Washington residents. If you could
22 raise your hand, that would be helpful to me. 18, 17, 26,
23 23.

24 I would like to start with Juror No. 17. Can you tell me
25 about the lawsuits and what you heard about them?

1 PROSPECTIVE JUROR 17: I was proud to be from
2 Washington with his work towards the issues from the Trump
3 Administration. As I recall, he led the battle for that
4 across many different states, the Attorney General who led
5 that. I was very proud of him. I am delighted to be a
6 resident of Washington state for the way he defended people
7 that didn't have a voice.

8 MS. CHIEN: Juror No. 18, you also raised your hand.
9 Have you -- what did you think about the lawsuits that you
10 have heard of that Bob Ferguson has brought?

11 PROSPECTIVE JUROR 18: There is a reason he's known
12 as Bobby Sue. Seems like he spent a lot of time trying to
13 chase President Trump around for his own exposure towards a
14 gubernatorial run after Inslee's term is done. I guess I
15 don't have any respect for the Attorney General. I think
16 he's just a political animal that happens to have obtained
17 election as a democrat in a state that is really blue to a
18 position where he can just go file lawsuits and not really
19 focus on the people of the state of Washington, but a matter
20 of trying to get his name recognition, and anything that the
21 president tried to do, he was there filing lawsuits. It was
22 just an incredible waste of our resources and our tax dollars
23 funding his activities for his own personal gain.

24 MS. CHIEN: If I told you this lawsuit did not have
25 anything to do with the Trump Administration, would that

1 change your views?

2 PROSPECTIVE JUROR 18: No. I don't have any respect
3 for Bob Ferguson for what he's done, the track record he's
4 created. President Trump did tremendous things to bring our
5 country forward. He was just -- for political reasons was
6 just trying to stand in the way.

7 MS. CHIEN: Would you have a difficult time being
8 fair and impartial if I told you that one of the parties was
9 represented by the Attorney General?

10 PROSPECTIVE JUROR 18: Nothing against you. I am
11 sure there is a lot of very competent attorneys in the
12 office. But just the man at the top is, you know -- I mean,
13 there is just interviews he won't do with the media because
14 he doesn't want to respond to the tough questions in the
15 media, even though he has been asked many times. I just
16 don't have any respect. I was hoping he was going to get
17 defeated. There is too many democrats who vote by the letter
18 behind the person's name on the ballot.

19 MS. CHIEN: Would the Attorney General's Office have
20 an uphill battle with you in terms of proving its case given
21 your beliefs on Mr. Ferguson?

22 PROSPECTIVE JUROR 18: Yeah, the credibility coming
23 from his side, I just think we need somebody who is not a
24 politically-based person with a politically-based
25 organization is what he has created. I am just ashamed. I

1 understand Juror 17 is proud to be a Washington resident. I
2 know a lot of people moving out of the state of Washington
3 because they feel the same way I do. They are ashamed. When
4 I travel I said, yeah, I'm from Seattle. People know where
5 they were --

6 THE COURT: I think you have made your point,
7 Mr. Knight.

8 MS. CHIEN: Thank you. Does anyone else agree with
9 what Mr. Knight is saying? If you could raise your hand, I
10 would appreciate it.

11 So --

12 THE COURT: Mr. Laws, did you have your hand up? I
13 can't see.

14 PROSPECTIVE JUROR 29: No, my arm is stretching.

15 THE COURT: Okay.

16 MS. CHIEN: Has anyone else heard about the Attorney
17 General's Office bringing a lawsuit also against the Trump
18 Administration? Mr. Gordon, Mr. Dye.

19 I would like to ask -- we haven't heard from Juror No. 31,
20 Mr. Dye yet. I would like to hear what your opinions are of
21 the lawsuits against the Trump Administration.

22 PROSPECTIVE JUROR 31: It is hard for me to define
23 what bearing that would have on this case. I really don't
24 have enough information to judge how the big-picture issues
25 that we are talking about would bear on this because I have a

1 feeling it is going to boil down to a bunch of more mundane
2 law like contract law, minimum wage law and other things that
3 underlie business relationships among these entities. If you
4 want me to, I can tell you how I feel about the Attorney
5 General's suits filed over the Trump Administration actions,
6 but I am not sure it applies here.

7 MS. CHIEN: Thank you. Appreciate that.

8 Mr. Gordon, did you have an opinion about the lawsuits
9 brought by the Attorney General's Office against the Trump
10 Administration?

11 PROSPECTIVE JUROR 23: Earlier I was going to say I
12 was embarrassed, although I have a generally positive tone
13 about the Attorney General's lawsuits he brought outside the
14 Trump Administration, but I can't remember specifically what
15 those were. I just have a general positive tone around that.

16 Regarding the Trump Administration, I have a positive view
17 of the tribunal for actions from that. I don't anticipate
18 that having any bearing on my ability to consider evidence in
19 this case.

20 MS. CHIEN: Thank you.

21 THE CLERK: I believe it looks like we lost Juror
22 No. 29. Juror 29, Mr. Laws?

23 MS. SCHEFFEY: Yeah. While we're taking a break, I
24 just wanted to say that Juror 17, sometimes I have trouble
25 hearing you, if you could talk into the camera, that would be

1 helpful.

2 THE CLERK: It looks like Juror 29 is able to sign
3 back into Zoom. Hopefully he'll be able to get his camera
4 back on. There we go.

5 THE COURT: Here he is. We lost you for a minute,
6 Mr. Laws.

7 PROSPECTIVE JUROR 29: My computer died.

8 MS. CHIEN: Should I continue?

9 THE COURT: Yes, please, go ahead.

10 MS. CHIEN: I want to sort of circle back to
11 something that Mr. Whitehead started. If I told you all that
12 one of the parties of this lawsuit were undocumented workers,
13 meaning they did not have permission to work, would that
14 change anybody's views as to whether or not they could be an
15 impartial juror on this panel?

16 PROSPECTIVE JUROR 26: No, ma'am.

17 MS. CHIEN: Okay. Going back to the Attorney
18 General's Office, who has heard of lawsuits the Attorney
19 General's Office has brought separate from the Trump
20 Administration? Sounds like some of you think there might be
21 ones. Has anyone heard of actual lawsuits that the Attorney
22 General's Office has brought?

23 Who thinks the role of the Attorney General's Office is to
24 sue private businesses or individuals when it's to protect
25 Washington residents? Can you raise your hand?

1 Call on Juror No. 24. Can I ask you to tell me about your
2 opinions of the Attorney General's Office suing private
3 businesses and individuals?

4 PROSPECTIVE JUROR 24: I think it is their role to
5 protect Washington citizens. Whether we agree with it or
6 not, he's our elected official.

7 MS. CHIEN: Does anyone disagree with what
8 Mr. Pereira says? I hope I pronounced that correctly. It is
9 the Attorney General's role to enforce our laws?

10 PROSPECTIVE JUROR 26: Yes.

11 MS. CHIEN: Does anyone think the Attorney General's
12 Office sues too often or too many times, shouldn't sue as
13 much as they have been suing?

14 PROSPECTIVE JUROR 26: No.

15 MS. CHIEN: Does anyone else have any other concerns?
16 Okay.

17 I hope I have a minute or two, and ask of the jurors what
18 the purpose of a private company is. We have spoken about
19 the government, but the other entity in this case is a
20 private company. I am curious to ask you all what the
21 purpose of a private company is. Maybe I can start with
22 Juror No. 19.

23 PROSPECTIVE JUROR 19: Just simply a company to
24 manage what might have been done by a government agency at
25 one point in time. They contract it out to a private company

1 to do the same job.

2 MS. CHIEN: Just sticking with that, actually. Does
3 the contract change the entity -- when a private company
4 contracts with the government, does that change the status of
5 that company in your opinion?

6 PROSPECTIVE JUROR 19: It could. Just depends on the
7 circumstances.

8 MS. CHIEN: Juror No. 20, I haven't heard from you in
9 a little while. Do you have anything to weigh in on the
10 Attorney General's Office or the lawsuits the Attorney
11 General's Office may have brought?

12 PROSPECTIVE JUROR 20: No, that's part of their job.
13 They are looking out for us and making sure everybody is
14 following the laws. Nothing bad to say.

15 MS. CHIEN: I am going to turn to Juror 21, also
16 going across my screen, and ask, you have expressed some
17 opinions about the minimum wage laws. I am wondering if you
18 have any concern about the State of Washington enforcing our
19 minimum wage laws?

20 PROSPECTIVE JUROR 21: Not about enforcing the
21 minimum wage. I think the minimum wage is too high.

22 MS. CHIEN: If you think the minimum wage -- if
23 somebody told you that the minimum wage is too high, but that
24 is the law, would you be willing to accept it?

25 PROSPECTIVE JUROR 21: I would accept it, even though

1 I disagree with it.

2 MS. CHIEN: Okay.

3 Your Honor, I am not sure of my time. Maybe I shouldn't
4 ask the question.

5 THE COURT: Thank you.

6 Ms. Mell.

7 MS. MELL: Mic on. Can you hear me now?

8 Mr. Minor, I wanted to ask you, do you have kids?

9 PROSPECTIVE JUROR 26: No, ma'am, I don't.

10 MS. MELL: Did you grow up having to do chores in
11 your own house?

12 PROSPECTIVE JUROR 26: Yes, ma'am, I sure did.

13 MS. MELL: How were the rules in your household about
14 compensating you for doing the chores around the house? Was
15 there any parent or whoever you were answering to about
16 chores, did they pay you to do them?

17 PROSPECTIVE JUROR 26: No, ma'am, they didn't pay
18 anything. I had my mom and my dad, and we just did the
19 chores. It was no paying. Like I said, I grew up in
20 Alabama. I'm saying we did the chores, we worked on the farm
21 and stuff like that.

22 MS. MELL: What kind of farm? What kind of animals?

23 PROSPECTIVE JUROR 26: We did pigs, chickens, cows,
24 horses, grew watermelon, corn, stuff like that.

25 MS. MELL: On the farm, did that mean chores happened

1 at five in the morning?

2 PROSPECTIVE JUROR 26: Yes, ma'am, then we go to
3 school.

4 MS. MELL: And then you did the chores again, right?

5 PROSPECTIVE JUROR 26: Yes, ma'am.

6 MS. MELL: Who thinks that doing chores around the
7 house, that your kids or you should have earned minimum wage
8 doing the chores around the house?

9 PROSPECTIVE JUROR 26: No one.

10 MS. MELL: Mr. Gordon, how about you? At what point
11 is work paid work, minimum wage work? Chores? Something
12 else?

13 PROSPECTIVE JUROR 23: Well, it is whatever the law
14 says is the floor for that. What seems to be, you are
15 putting in -- if you make the contract with an employer to be
16 paid a certain amount, then you should be paid that amount.
17 If the contract is out of compliance with the law, it should
18 be changed, should be amended to reflect the law.

19 I worked in the strawberry fields from the age of nine or
20 ten where I lived in Southwest Washington. The minimum wage
21 was very low. We were paid a fee rate. We agreed to that,
22 or our parents agreed to it. That is another example, I
23 guess.

24 MS. MELL: Did you know that in your status as a farm
25 worker you were exempt from the Minimum Wage Act?

1 PROSPECTIVE JUROR 23: At the time that I was -- I am
2 not even sure the Minimum Wage Act covered farm workers back
3 in the 1960s. I don't know.

4 MS. MELL: So with regard to issues where you can
5 converge, issues on immigration and work, do you think that
6 your work status, or the government's granting you work
7 status should affect whether or not you get paid minimum
8 wage? 23, I am still on you. I am still picking on you,
9 Mr. Gordon. I'm sorry.

10 PROSPECTIVE JUROR 23: I -- again, there is the law,
11 which we follow, and then there may be what is morally right
12 or what is compassionate to that group of people. They may
13 be the same or they may be different. I prefer to be
14 compassionate and help people meet their needs to help their
15 family. The bottom line is, what does the law say?

16 THE COURT: Excuse me, Ms. Mell. I think the last
17 question really asks the jurors to say what the law is or
18 what he thought the law was. That is on the list of
19 do-not-ask questions.

20 MS. MELL: I apologize, Your Honor. I will change
21 course accordingly.

22 PROSPECTIVE JUROR 23: Don't ask and I won't tell.

23 MS. MELL: I don't know how that law worked out for
24 folks. Actually, that is a good question. What do people
25 think about laws that are unfair? Do people think that

1 notice is important to fair laws, notice to the person who
2 the law affects? No. 22, Mr. Swessel?

3 PROSPECTIVE JUROR 22: Swessel, yeah. What was the
4 question again? You want to inform the person of the laws
5 before they --

6 MS. MELL: Yeah. Do you think in order for
7 government to fairly enforce its laws, it has to give notice
8 to the people who the law is intended to affect?

9 PROSPECTIVE JUROR 22: Well, there is an awful lot of
10 laws that we have, and I am not aware of all of them myself.
11 I think it would be very difficult to inform everyone of all
12 the laws. I don't know how to really answer that. I don't
13 know what vehicle we would have to say, okay, here is all the
14 laws, now I want you to read through them and make sure you
15 understand them all.

16 MS. MELL: Have you any experience with government
17 contracting and what government contractors are required to
18 attest to or say or promise when they enter into a government
19 contract? Do you know?

20 PROSPECTIVE JUROR 22: For, like, in my position in
21 the past, I had to work for the government. I had to abide
22 by whatever they told me I had to do. That was part of the
23 company's contract with them, if that's what you mean.

24 MS. MELL: Did you rely on, I don't know who, the
25 contract enforcement officer to tell you what you were

1 supposed to be doing so you didn't run afoul of following the
2 law?

3 PROSPECTIVE JUROR 22: I was provided documentation
4 that I had to read through and sign saying I understood all
5 the rules. I read through it and signed it. I knew what I
6 was doing with that, with the government, what I could and
7 could not do.

8 MS. MELL: With regard to immigration issues, do you
9 spend much time reading about immigration?

10 PROSPECTIVE JUROR 22: I don't read about it. I hear
11 a lot of it in the news when I watch the local news or CNN,
12 or whatever, if I am flipping through it. I don't actively
13 seek it out.

14 MS. MELL: You are not doing any work around
15 immigration by way of advocacy or volunteer time?

16 PROSPECTIVE JUROR 22: No. No.

17 MS. MELL: Mr. Groves, No. 21, you have expressed you
18 had opinions. Kudos to you. I happen to be a very
19 opinionated woman. One of the things I did notice about you,
20 however, is you worked in the U.S. Coast Guard. Do I have
21 that right?

22 PROSPECTIVE JUROR 21: That is correct.

23 MS. MELL: In your capacity working for the U.S.
24 Coast Guard, did you have to follow rules you didn't think
25 made any sense?

1 PROSPECTIVE JUROR 21: Absolutely.

2 MS. MELL: Did you do them and do them with a smile
3 on your face because that was your job?

4 PROSPECTIVE JUROR 21: Probably 90 percent of the
5 time.

6 MS. MELL: The Court is going to instruct you on the
7 law, would you agree you would follow the law, like it or
8 not?

9 PROSPECTIVE JUROR 21: Yes.

10 MS. MELL: Mr. Smith, I know you like bowling. Are
11 you a Tacoma bowler? What is your bowling alley of choice?

12 PROSPECTIVE JUROR 20: Narrow's Plaza Bowl in UP.

13 MS. MELL: Narrow's Plaza Bowl in UP. Is Rob Nay
14 (phonetic) someone you know?

15 PROSPECTIVE JUROR 20: Doesn't ring a bell.

16 MS. MELL: How about Ed Troyer?

17 PROSPECTIVE JUROR 20: No. Sorry. Nope.

18 MS. MELL: He is over at the Chalet Bowl.

19 PROSPECTIVE JUROR 20: Chalet, yep. Old one in
20 Tacoma.

21 MS. MELL: Do you get -- if you are not bowling,
22 where do you spend your time and energy finding out what is
23 going on in the world, South Sound world?

24 PROSPECTIVE JUROR 20: A lot of the news, office chat
25 around the office. I get a lot of news from my co-workers,

1 different perspectives. My wife and friends. We have our
2 circle. I get information from all the different sources
3 that I can.

4 MS. MELL: Do you work downtown engineering?

5 PROSPECTIVE JUROR 20: Actually, our company is in
6 Fife, not far from Tacoma. Just across the Tideflats.

7 MS. MELL: You are in the Tideflat area. Do you know
8 about GE0? Do you see the GE0 trucks coming and going?

9 PROSPECTIVE JUROR 20: No.

10 MS. MELL: Never heard about it?

11 PROSPECTIVE JUROR 20: No.

12 MS. MELL: Don't have strong feelings --

13 PROSPECTIVE JUROR 20: Now I am probably going to be
14 looking. I don't know.

15 MS. MELL: Let me think. I am trying to get to know
16 all you guys. This is a whole new process for us. I have to
17 get used to finding people and who I am connecting with. So
18 it's a little bit -- my eyes are darting around, not because
19 I am not trying to talk to you directly. I don't know where
20 to look.

21 Ms. Burton, can you talk to me a little bit about any
22 advocacy you have done on immigration issues?

23 PROSPECTIVE JUROR 17: I have done none.

24 MS. MELL: Do you follow any of the activities down
25 in Olympia? Legislative stuff?

1 PROSPECTIVE JUROR 17: Some. Little bit. Mostly on
2 state park stuff. Not so much on anything else.

3 MS. MELL: How about the issue that was discussed and
4 talked about this legislative session, shutting down the
5 detention center in the Tideflats? Anybody get involved in
6 or hear about the legislature trying to ban private detention
7 centers?

8 PROSPECTIVE JUROR 17: Is that still a question for
9 me or for anybody?

10 MS. MELL: You are up. Did you hear about it?

11 PROSPECTIVE JUROR 17: No.

12 MS. MELL: I better ask somebody else.

13 PROSPECTIVE JUROR 17: There you go.

14 MS. MELL: Anybody else get involved in that issue
15 this legislative cycle or hear it on the news?

16 18, I am not going to call on you because I think I have
17 an idea where you might be. Maybe not on that issue, I don't
18 know. Although I would ask, Mr. Knight, if you were given
19 instructions on the law, do you feel strongly that you could
20 follow the law as instructed?

21 PROSPECTIVE JUROR 18: Yes, we all need to do that,
22 like it or not.

23 MS. MELL: Even though you voiced some very strong
24 opinions here, you would follow the law as instructed by the
25 Court?

1 PROSPECTIVE JUROR 18: Instructed, but I am not sure
2 I am the best to understand it all.

3 MS. MELL: Okay. All right. Mr. Gordon, I think you
4 have expressed an opposite opinion of Mr. Knight, is that
5 fair to say, in terms of issues of privatization and Bob
6 Ferguson and his lawsuits, these kind of things?

7 PROSPECTIVE JUROR 18: Right now, Mr. Knight is just
8 above me in the gallery, so I will wave. That is probably
9 fair to say. I am not currently involved in immigration
10 advocacy. Some years ago our church sponsored a sanctuary
11 family and worked with other churches in meeting the family's
12 needs. In the past, I have been an advocate for specific
13 immigrants and for changing immigration policy.

14 MS. MELL: Do you, like Mr. Knight, feel you would
15 not be the best juror because of your sense of feeling the
16 need to support immigrants and change policy if you had that
17 opportunity?

18 PROSPECTIVE JUROR 18: No. I feel as Mr. Knight does
19 also, that when -- we need to follow the law. The law can be
20 changed and it should be changed, but it should be changed
21 through the proper channel, not through an improper one.

22 MS. MELL: Has anyone on this panel actually
23 testified before the legislature before? Mr. Dye, what was
24 your issue?

25 THE COURT: You are muted.

1 PROSPECTIVE JUROR 31: Sorry, Judge. Thank you for
2 the reminder.

3 It was a conservation funding issue. I spoke on behalf of
4 a legislative initiative to fund a conservation action. I
5 was working for a non-profit conservation organization at the
6 time.

7 MS. MELL: So was that -- conservation is sometimes
8 an issue that deals with government regulation versus private
9 interests and special interests. Where were you on those
10 issues?

11 PROSPECTIVE JUROR 31: I worked for a non-profit
12 organization that was very much oriented towards
13 collaboration with business entities and property owners. So
14 working for that particular organization and personally, my
15 own personal belief is that there is a lot of good to be
16 gained through collaboration on those issues, and that if
17 outright government regulation can be avoided, it often
18 generates positive results.

19 MS. MELL: Have you found that there are better means
20 to an end than a lawsuit or strict legislative controls?

21 PROSPECTIVE JUROR 31: Yes, there can be.

22 MS. MELL: How do you facilitate that?

23 PROSPECTIVE JUROR 31: In my mind, there is a window
24 of opportunity in time, often when non-regulatory approaches
25 might be considered. Once an issue is identified as a

1 regulatory issue and there is a competent government
2 authority and there are a number of players that are acting
3 outside the bounds of the social contract on conservation
4 issues, when government moves toward regulation, certain
5 other opportunities might disappear that could have been
6 pursued in the private sector. That's all. We don't do this
7 by design very well in this country. It is a chaotic and
8 free market, plus governmental arena, very complicated space.
9 I don't think it applies here much, although immigration is a
10 similarly complicated space. I don't pretend to understand
11 it.

12 MS. MELL: Do you think immigration is a pretty
13 strongly political issue right now?

14 PROSPECTIVE JUROR 31: I think that is obvious. I am
15 not sure whether any of those high level political issues
16 apply to this case.

17 MS. MELL: Have you been involved in any observing or
18 participated in or been aware of state litigation by the
19 Attorney General's Office in tracking where those dollars go
20 and why, and whether or not they really do go to benefit the
21 public?

22 PROSPECTIVE JUROR 31: I have not. That is a
23 specific issue in the state that I have not tracked.

24 MS. MELL: Mr. Laws, I want to ask you this one
25 question: You had mentioned at the beginning of this case

1 that you cannot, given the fact you have probably not gotten
2 any sleep, feel like you can give this case your full
3 attention. Have I caught you sleeping today perhaps? Are
4 you kind of in and out or are you good?

5 PROSPECTIVE JUROR 29: I am going to be honest. You
6 have.

7 MS. MELL: All right. All right. I just wanted to
8 check. I didn't want to make that assumption. Thank you for
9 being honest with me about that.

10 PROSPECTIVE JUROR 29: I am -- I am keeping my eyes
11 open.

12 MS. MELL: I know you have. I know you are trying
13 hard. I see you coming back around, but I just wanted to
14 make sure.

15 Mr. Pereira, what can you tell me about your thoughts on
16 unpaid work? Any ideas on what work should be paid and what
17 can be unpaid? Do you do any charitable work?

18 PROSPECTIVE JUROR 24: I do lots of charitable work.
19 I run my own non-profit in Clark County. I will go back to
20 what somebody said. Once you have agreed to work for pay,
21 then there is a contract that needs to be upheld. I often
22 think about, you know, if we are paying somebody minimum
23 wage, who are we not paying at that point for that same work
24 that should be provided to somebody else.

25 MS. MELL: What is your charitable work around? What

1 is your subject area?

2 PROSPECTIVE JUROR 24: It's called Youth Efforts
3 Against Hunger. YEAH is our acronym. We collect donations
4 from wealthy donors and then we pay for our youth to raise
5 animals and agriculture. It is an agriculture education
6 program. We take those animals and process them, pay for the
7 processing and donate it all to the Clark County Food Bank.

8 MS. MELL: So it's got more of a meeting the needs of
9 the people in the community by way of providing a food source
10 for them, which is kind of different than 4H, but sounds like
11 4H.

12 PROSPECTIVE JUROR 24: We partner with educational
13 programs like 4H and FFA. So we support agriculture
14 education as well as helping the needy within the area.

15 MS. MELL: Do you have any control over how they
16 prepare your products for service and consumption?

17 PROSPECTIVE JUROR 24: About our youth, they are well
18 educated. There is quality control on the processing of the
19 animals. We have to have them processed by a state-certified
20 facility so that it is available for human consumption
21 through the food bank.

22 MS. MELL: Do those kids get paid?

23 PROSPECTIVE JUROR 24: They do not. That's why we
24 use our philanthropic opportunities to help them. They can't
25 do it on their own. They don't get paid. We pay nothing

1 more than the expenses they incur.

2 MS. MELL: Do you have a lot of volunteers in that
3 organization? Is that what it depends on?

4 PROSPECTIVE JUROR 24: All volunteer work.

5 MS. MELL: Is that something that you do in addition
6 to paid work?

7 PROSPECTIVE JUROR 24: Yes. I work for Portland,
8 Oregon, the public transit system. I run their MAX Transit.

9 MS. MELL: What kind of shifts do you end up working?

10 PROSPECTIVE JUROR 24: In my regular work -- through
11 the pandemic, seems like 24/7. Right now, I am working from
12 home a lot of times. But prior to the pandemic, they were
13 12-hour shifts, three days on, four days off, four days on,
14 three days off.

15 MS. MELL: You fit in your volunteer work on the off
16 days, sounds like?

17 PROSPECTIVE JUROR 24: Yes.

18 THE COURT: Anybody else? What are your volunteer
19 activities, Ms. Burton? Do you do volunteer work?

20 PROSPECTIVE JUROR 17: Yes, I am a master gardener.
21 That is the garden I referred to earlier that the judge was
22 asking if we had a reason why we didn't think we could commit
23 to four weeks of trial is that I am the sole person who takes
24 care of a common garden in Grays Harbor County that provides
25 food for two food banks, McCleary and Elma, in addition to a

1 couple of local churches that provide midday meals for folks
2 that don't have a lot of food. We also -- besides giving
3 them produce, we also grow plant starts in our greenhouse.
4 There is a lot of pieces to this work. Those food -- those
5 plant starts go to food bank clients that want to try their
6 hand at gardening and hopefully are able to provide a little
7 bit more food for their own tables that way.

8 Master gardeners are not trying to force anybody to
9 garden. We are there to provide the produce and a little bit
10 of knowledge if somebody wants to pick up a plant and take it
11 home and try to grow it.

12 So that's what I do. I generally put in over a thousand
13 hours a year working in the garden. In addition to that, I
14 am also the education director on the Master Gardener
15 Foundation. We are just kind of gearing up training for the
16 next set of master gardeners, so that is a hell of a lot of
17 work in addition to that.

18 MS. MELL: Is it my understanding then that you will
19 have a difficult time being away from that work, and that
20 work has been deemed essential during COVID?

21 PROSPECTIVE JUROR 17: It was deemed essential last
22 year when the garden was closed down to volunteers except for
23 myself because we were still growing produce. This year, I
24 assumed it was still essential. Certainly the need for food
25 and food banks has increased. Our communities haven't gotten

1 any richer in the last year. People have gotten more
2 desperate. We have kind of stepped up our efforts, and in
3 doing so, I have got a lot of stuff going on in the
4 greenhouse and in the raised beds themselves. I am the sole
5 person that shows up six days a week to make sure that
6 everything is happening and delivers food to the food bank.

7 MS. MELL: If my yard is an example, I don't show up
8 any day of the week.

9 PROSPECTIVE JUROR 17: Things happen.

10 MS. MELL: I can see how that would be essential for
11 your project, and it sounds like a very laudable project.

12 That is volunteer work?

13 PROSPECTIVE JUROR 17: That's volunteer work, yep.

14 MS. MELL: All right. Let me see. Who can I pick on
15 now? This is kind of fun. I have you all in the zone. Who
16 do I pick? Who do I pick?

17 Let's see, Ms. Van Well, tell me about your time. What do
18 you do with your time? I am going to have to have you
19 unmute.

20 PROSPECTIVE JUROR 27: Okay. I am retired. I ran a
21 company, my husband and I. I just -- I'm 70 years old. I do
22 have an autoimmune disease. The last two years with the
23 pandemic, I have had a lot of health issues, and my husband
24 is legally deaf, so I do all the driving and that sort of
25 thing. I am actually looking for some different types of

1 volunteer work to get into. Right now, I watch a lot of
2 Netflix and do a lot of shopping online.

3 MS. MELL: Are you getting bored?

4 PROSPECTIVE JUROR 27: A little bit, yeah.

5 MS. MELL: You are actually trying to find things to
6 do that you would do for free, right, just so you are not
7 sitting there watching Netflix another night?

8 PROSPECTIVE JUROR 27: Sort of, yeah, trying to keep
9 my health good, my energy up. My only concern is that I do
10 get tired easily. The fact that this is virtual, it is
11 easier for me to be able to do this. I think I am -- I have
12 my own opinions, but I feel like I need to really understand
13 both sides and what -- and the issues of everything.

14 MS. MELL: Did I hear you right, you talked about
15 owning your own business?

16 PROSPECTIVE JUROR 27: Yeah. We sold our business to
17 actually one of our largest clients in 2017. I retired in
18 2018. I stayed on. I did the sales for the company. You
19 know, my husband and I, we used to travel a lot. You know,
20 with the issue now, so...

21 MS. MELL: Yeah, bummer. When you were running your
22 business, did you have to grapple with the question of
23 whether or not you employed people and put them on the
24 payroll versus just hire out the work that needs to get done
25 and hire an independent contractor?

1 PROSPECTIVE JUROR 27: Yes. We hired people as
2 independent contractors mostly. We did have three people in
3 the office. It was a small business, like a \$5 million
4 business. We ran it for 30 years.

5 MS. CHIEN: Your Honor, I think we might have lost
6 one of the jurors, Juror 26.

7 THE COURT: Tyler?

8 THE CLERK: Let me look into it. I am trying to find
9 them in the Zoom meeting. I know this juror was having
10 problems earlier with connectivity with different devices.
11 Might have popped up again.

12 Looks like he's left the meeting. Maybe if we just wait a
13 minute to see if he comes back on.

14 I don't see him attempting to reconnect yet. I am
15 not sure how much time you want to wait.

16 THE COURT: It's about time for a break. Let's take
17 ten minutes and call him or whatever is your alternative
18 route and get him back on.

19 Ms. Mell, you had about three or four minutes left in your
20 time. We will continue with that after we take our break.

21 MS. MELL: Thank you, Your Honor.

22 (Recessed.)

23 THE COURT: All set?

24 THE CLERK: Yes, sir, I believe so. Do we have 32?

25 THE COURT: Mr. Minor, I don't know what happened, we

1 lost you for a little bit. I don't think anything happened
2 before we realized it.

3 Ms. Mell, you can finish your questions.

4 MS. MELL: Thank you. I am going to go to Mr. Smith,
5 change things up a little bit. Mr. Smith, we heard
6 Ms. Van Well talk about the profitability of her small
7 business at five million. What are your thoughts about
8 profitability of corporations? Do you work for a company
9 that you would characterize as a small business or a big
10 business?

11 PROSPECTIVE JUROR 20: We are still small. We are a
12 small business, private consulting business. It is all about
13 profitability. Some projects we make money, some projects we
14 don't. Depends on the contract and making sure our
15 interpretation of the contract is correct.

16 MS. MELL: Have you found the business comes if you
17 worry less about the bottom line and more about quality
18 service delivery?

19 PROSPECTIVE JUROR 20: Definitely you'll get more
20 business. At the same time, we need to be aware of what
21 types of business are profitable and which aren't. Even if
22 we get a lot of work, if we are losing money on every job,
23 that is not necessarily a direction we want to keep going in.

24 MS. MELL: Do you try to look at that from the outset
25 and gauge what you need to do to maintain an appropriate

1 profit margin and still do a good job?

2 PROSPECTIVE JUROR 20: Oh, yeah. Our underlying
3 principle is that we are always trying to make sure that our
4 clients are happy. We will bend over backwards and do what
5 we need to do to keep them happy because that is going to
6 bring more work in. You know, we are always looking at the
7 bottom line, I guess.

8 MS. MELL: How do you address issues on -- labor
9 issues? Are you a union shop?

10 PROSPECTIVE JUROR 20: No, we are not a union shop.
11 We just look at what the industry pays for rates. We want to
12 keep our employees happy, so it is all about making sure we
13 are competitive so we can keep our employees where they are.

14 MS. MELL: Do you, in your work environment, use
15 contracts for employment, like written agreements for terms
16 of employment?

17 PROSPECTIVE JUROR 20: No, it's pretty much at will.
18 They can leave. We can let people go. I mean, there is
19 generally no contracts involved in what we do. There is
20 contracts with our client, obviously, but not with employees.

21 MS. MELL: Sure. Does anybody here have an issue
22 with at-will employment? Has anybody ever grappled with that
23 concept in their job? Anybody belong to a union?

24 PROSPECTIVE JUROR 26: Yes.

25 MS. MELL: What kind of union, Mr. Minor?

1 PROSPECTIVE JUROR 26: I am with the post office. We
2 have a postal union.

3 MS. MELL: How many years have you been with the
4 postal union?

5 PROSPECTIVE JUROR 26: 31 years.

6 MS. MELL: Do you play an active role? Do you like
7 being a shop steward and taking on those responsibilities?

8 PROSPECTIVE JUROR 26: No, but I am saying, you know,
9 I am not involved as an active union member. Most of the
10 young kids that come in, they come to me and they ask advice
11 and stuff like that, know what I mean?

12 MS. MELL: You are a mentor, union or not, right?

13 PROSPECTIVE JUROR 26: Yes.

14 MS. MELL: What have you found with the younger
15 workers coming in that they ask you the most often? What
16 kind of advice do they get from you?

17 PROSPECTIVE JUROR 26: Well, saying, lately, you
18 know, these young kids ask for -- I am saying my frustration
19 now with these young kids coming in, they ask about the pay.
20 I told them, I said you got to love what you do. If you love
21 what you do, the pay is going to come. Don't worry about the
22 pay. You got to love your job and treat people as human
23 beings, and everything else will fall in place. That's my
24 biggest frustration with these young kids coming in today.

25 MS. MELL: Has anybody else seen that issue with

1 expectations, unrealistic expectations about work in their
2 work environment? Not a big issue for anyone else?

3 THE COURT: Okay. I think your time has passed,
4 Ms. Mell.

5 MS. MELL: Thank you, Your Honor.

6 THE COURT: Thank you very much. I have some
7 questions that I want to ask before we finish this session.

8 Ms. Porter, you didn't get called on here.

9 PROSPECTIVE JUROR 32: No, sir.

10 THE COURT: Is there anything you have heard here
11 that makes you think you should tell us about it?

12 PROSPECTIVE JUROR 32: No, I don't have strong
13 opinions either way. I trust that I can be objective based
14 on the facts that are presented.

15 THE COURT: Okay. Let me ask a number of questions
16 along this line. Juror No. 20, Mr. Smith, you have this
17 bowling deal on the 24th of June. Let me ask you, what
18 happens if you get stuck here and you can't go? How bad a
19 deal is that?

20 PROSPECTIVE JUROR 20: I am not sure. My wife made
21 all the plans. I would have to check and find out if there
22 is money we wouldn't get back. It is kind of -- it is kind
23 of short-term notice for the team for them to find somebody
24 to fill my spot as well. My team members might be left in a
25 lurch as well.

1 THE COURT: Juror No. 19, Mr. Johnson, I am not sure
2 I understand your role in the bowling business that you
3 mentioned.

4 PROSPECTIVE JUROR 19: What happens is sweepers is a
5 function of the end-of-year bowling. Because I had the
6 knowledge and abilities, I was volunteered to conduct a
7 sweeper. Basically what it is, people put money in to bowl
8 in hopes to bowl good enough to get the pot of money. I was
9 the only one in the league that had an understanding or
10 experience with it.

11 THE COURT: Okay. Well, Mr. Johnson, what happens if
12 you are stuck here on the jury and you can't deal with that?

13 PROSPECTIVE JUROR 19: I am not sure. I have to
14 refund a bunch of money.

15 THE COURT: It is not your money, is it?

16 PROSPECTIVE JUROR: No, it's not my money. I know
17 Mr. Smith knows what I am talking about.

18 THE COURT: Okay. Who said they had a Father's Day
19 trip to Randle?

20 PROSPECTIVE JUROR 24: I did, Your Honor, No. 24.

21 THE COURT: Mr. Pereira, I wrote down the wrong
22 number. I couldn't remember. What happens if you miss that
23 family event? In other words, how serious is it?

24 PROSPECTIVE JUROR 24: Pretty serious. I treasure my
25 father/daughter time, since I only get her part-time anyway.

1 This is one of the weekends I get her. By court order, I get
2 her on that weekend. I typically plan a nice father/daughter
3 event, especially being Father's Day.

4 THE COURT: Right. I see. Okay. Mr. Laws, what do
5 you do in your night job?

6 PROSPECTIVE JUROR 29: I am a warehouse picker. I go
7 around and pick alcohol and non-alcoholic drinks for retail
8 stores and grocery stores.

9 THE COURT: You had anticipated if you are asked to
10 be on this jury that you would still have to work nights?

11 PROSPECTIVE JUROR 29: Can you repeat that?

12 THE COURT: If you are stuck on this jury, would you
13 think you still have to go to work nights?

14 PROSPECTIVE JUROR 29: Yeah, because I am the only
15 person working in my house. I would miss out on, like, a
16 group of hours.

17 THE COURT: Who is number 30? Did we lose somebody?

18 THE CLERK: I believe 30 was already excused.

19 THE COURT: Yes, I didn't make a good note.

20 Ms. Burton, what happens if you can't take care of that
21 garden because we have you stuck on jury duty?

22 PROSPECTIVE JUROR 17: Well, I think we would see a
23 loss of season's production. Right now, we are ramping up
24 because we are entering into the warm season crops, which are
25 a little more highly productive. So we would be losing

1 probably the bulk of whatever we donate to the food bank.

2 THE COURT: There is nobody else you can get to pitch
3 in?

4 PROSPECTIVE JUROR 17: I am there six days a week for
5 the mornings. So who is going to fill that time? It is a
6 labor of love. Nobody else is going to tend to that.

7 THE COURT: Okay. All right. You folks can go to
8 your other room. Tyler will put you there. We will be back
9 with you in a few minutes after we discuss this whole thing.

10 (The following occurred outside the presence
11 of the prospective jury panel.)

12 THE CLERK: I believe all the jurors are out of the
13 main session now.

14 THE COURT: All right. I like to be liberal, but it
15 can hurt us in this deal in terms of time. I want your
16 input, not on challenges for cause, but on whether you think
17 I should excuse some of these people. No. 17, that is the
18 gardener.

19 MR. WHITEHEAD: I am certainly sympathetic to the
20 imposition of jury service. I wonder whether alternative
21 arrangements can be made to tend to the garden.

22 THE COURT: Wait. Wait a minute.

23 MR. WHITEHEAD: Am I jumping the gun? I apologize.

24 THE COURT: Excuse or don't excuse. You are giving
25 the judge advice now?

1 MR. WHITEHEAD: Your Honor, do not excuse.

2 MS. CHIEN: State of Washington, do not excuse.

3 MS. MELL: GEO, excuse.

4 THE COURT: All right. As to Juror No. 20,
5 Mr. Smith, his bowling deal. Mr. Whitehead?

6 MR. WHITEHEAD: Your Honor, we are fine with
7 excusing. He said he would leave the team in a lurch if he
8 wasn't there.

9 MS. CHIEN: State of Washington is also okay with
10 excusing Juror No. 20.

11 MS. MELL: GEO says excuse.

12 THE COURT: Okay. Juror No. 19, who also is
13 concerned about a vacation on the 11th of July and the
14 bowling sweeper deal.

15 MR. WHITEHEAD: Your Honor, I don't really have a
16 feel on this one. I am not clear on the sweeper function.
17 Perhaps Ms. Mell can let us know with the bowling knowledge
18 she has what his role is. I don't fully understand what the
19 hardship is for Juror 19.

20 THE COURT: I take it as a no.

21 Ms. Chien, what is your input on him?

22 MS. CHIEN: We would not excuse Juror No. 19.

23 THE COURT: Ms. Mell?

24 MS. MELL: GEO says do not excuse.

25 THE COURT: No. 24, Father's Day trip with

1 court-ordered visitation, he shares custody.

2 MS. CHIEN: State of Washington would excuse Juror
3 24.

4 MR. WHITEHEAD: As would private plaintiffs,
5 Your Honor.

6 MS. MELL: Do not excuse.

7 THE COURT: 29, I am going to excuse. He can't stay
8 awake.

9 No. 21, I am going to excuse out of hand. No. 18, I am
10 going to excuse out of hand. There are a number of others,
11 you can argue about them if you want to challenge them.

12 I am going to excuse Juror No. 20, Juror No. 24, Juror
13 No. 29 and Juror No. 21 and Juror No. 18.

14 I am not going to excuse Juror No. 19. I will not excuse
15 Juror No. 17. You can take your challenges for cause.

16 MR. WHITEHEAD: Yes, Your Honor. We would challenge
17 Juror No. 25 for cause. I think the bias she expressed is
18 equal, certainly on par to what was expressed by Jurors
19 No. 18 and 21. They all expressed an inability to be able to
20 sit and judge the evidence fairly in this case. That is the
21 position she has taken. I think it is more than appropriate
22 to strike her for cause.

23 MS. CHIEN: State of Washington would concur with
24 that. I believe when we asked whether or not she -- when
25 Juror No. 18 expressed that he would be upset about sitting

1 on this jury, she adamantly raised her hand saying she would
2 agree, further suggesting her bias.

3 MS. MELL: GEO's position is there is no cause basis
4 to excuse Juror No. 25. She was no less adamant about her
5 position than Mr. Gordon. She attested that she would be
6 fair and impartial and apply the law as given to her.

7 THE COURT: Okay. Next challenge, Mr. Whitehead. I
8 will come back to rule on these.

9 MR. WHITEHEAD: I do not believe I have any others.

10 THE COURT: All right. Ms. Chien?

11 MS. CHIEN: No others from the State.

12 THE COURT: Ms. Mell?

13 MS. MELL: 23, Your Honor. He expressed particular
14 sympathies towards individuals who are in financial straits
15 due to their immigration status and having taken on that role
16 of assisting an immigrant family through his church. His
17 expressions of an interest in caring for others was equal to
18 Juror No. 21's expressed opinions about some of the integral
19 issues in the case. I think for the same reasons 21 was
20 struck, 23 has similar, if not more specific, biases he
21 expressed.

22 THE COURT: Mr. Whitehead, regarding Juror No. 23.

23 MR. WHITEHEAD: That is correct. I disagree. He
24 more than satisfied the inquiry as to whether or not he could
25 maintain an objective mindset. I believe to counsel's

1 question about whether or not he would follow the judge's
2 law, Your Honor, he answered that he would, of course, follow
3 any instructions issued by the Court. So we have no
4 concerns.

5 MS. CHIEN: State of Washington also has no concerns.
6 The fact Mr. Gordon helped an immigrant shouldn't disqualify
7 him. I think that might disqualify all of us sitting here as
8 well.

9 The challenge for Juror 25 is granted.

10 The challenge of Juror 23 is denied.

11 Let me be sure of who we have left. Let me count these up
12 and be sure. So this group starts with 17. She is still in.
13 19 is still in. 24 is still in.

14 MR. WHITEHEAD: Your Honor, I believe 24 is out.

15 MS. SCHEFFEY: My notes say you excused 24.

16 THE COURT: How did 24 get out?

17 MS. SCHEFFEY: Father's Day challenge.

18 THE COURT: I ruled. I'm sorry. 24 is out. This is
19 not the way we usually do this. I find it confusing,
20 probably because I confuse myself. 27 is in. 23 is in. Is
21 there anyone else from this flight that is in? There is only
22 four.

23 MR. WHITEHEAD: 22, Your Honor. I believe he is
24 still in. As is Mr. Minor, 26.

25 THE COURT: 26 is in. What was the last lady's name?

1 She is still in.

2 MS. SCHEFFEY: 17 is Burton. Is that who you are
3 thinking of?

4 THE COURT: Somebody said something I didn't get.

5 MS. SCHEFFEY: Is 32 Porter? Is that who you are
6 thinking of?

7 THE COURT: I can't understand what you are saying.

8 THE CLERK: No. 32, Porter is the last name, and
9 she's still in.

10 THE COURT: She's still in. Are we agreed on this?
11 The jurors from this flight that are still in are 17, 19, 22,
12 23, 26, 27, and 32.

13 MR. WHITEHEAD: Is Juror 31 still in?

14 MS. MELL: 31 is in.

15 THE CLERK: 31 is Mr. Dye.

16 THE COURT: Okay. He's still in. Everybody agree?
17 You want to go through it again?

18 MR. WHITEHEAD: Yes, Your Honor.

19 THE COURT: 17 is in, 19, 22, 23, 26, 27, 31 and 32.

20 MR. WHITEHEAD: That matches our notes, Your Honor.

21 MS. SCHEFFEY: Same here, Your Honor.

22 THE COURT: All right. I think we are ready then to
23 hear challenges for cause.

24 MS. CHIEN: We did that, Your Honor.

25 THE COURT: I mean peremptory challenges. Talk about

1 confusing.

2 MR. WHITEHEAD: Your Honor, if it would be all right,
3 I don't mean to delay the process any longer, given that
4 plaintiffs are sharing their peremptories, may we have a
5 brief ten-minute recess to confer?

6 THE COURT: That makes sense. Perhaps I should call
7 this last group in and excuse those that are excused, and
8 then we will take a break before we go to peremptories. All
9 right?

10 THE CLERK: You want this last flight, the 17 through
11 32 to come back?

12 THE COURT: I was going to have the whole group so I
13 can excuse the ones that are excused. Can you do that,
14 Tyler?

15 THE CLERK: Can I bring all the potential jurors in
16 including 33 and beyond? Do you want everybody back?

17 MS. CHIEN: I want to double check before we have the
18 jurors back in. Juror No. 13 expressed a hardship. I was
19 wondering if you were going to be excusing him as well before
20 we get into the peremptories. I think he is the one that
21 worked for the insurance company.

22 MS. SCHEFFEY: He did IT.

23 THE COURT: He worked for Mutual of Enumclaw. I did
24 not anticipate excusing him.

25 MS. CHIEN: Thank you.

1 THE COURT: Tyler, it is the last flight of jurors.

2 THE CLERK: 17 through 32?

3 THE COURT: Yes. If you can get them in, I will
4 excuse some and tell the others to stick around.

5 THE CLERK: I will have to bring everybody in and
6 then I will have to kick everybody out again, but I will
7 leave the last flight in here.

8 It is not letting Juror 33 exit the main session.

9 THE COURT: Mr. Nelson, you are 33.

10 THE CLERK: I put him in a different breakout room.

11 THE COURT: All right.

12 THE CLERK: Did you want me to put them back in
13 order?

14 THE COURT: If you would put them in order, I won't
15 mess this up.

16 THE CLERK: Just a moment. What happened to 17?

17 THE COURT: She's right there in the middle.

18 THE CLERK: It is trickier than it looks.

19 THE COURT: All right. Do you think we have them?

20 THE CLERK: Still working on it, Your Honor. Just a
21 moment. Okay. I believe everybody is in order.

22 (The following occurred in the presence
23 of the prospective jury panel.)

24 THE COURT: Okay. Mr. Knight, you may be excused.
25 Mr. Smith, you may be excused. Mr. Groves, you may be

1 excused. Mr. Pereira, you may be excused. Ms. Adkison, you
2 may be excused. Mr. Laws, you may be excused.

3 The rest of you hang around and we will complete the jury
4 selection process. We are going to take a short break before
5 we start that, about ten minutes or so, then we will complete
6 the jury selection process.

7 And Tyler, if it is possible, you can put the remaining
8 jurors all in one group. Okay.

9 THE CLERK: Do you want that to include Jurors 33 and
10 beyond, or do you want them separately?

11 THE COURT: No, you can excuse all of them, 33 and
12 beyond.

13 THE CLERK: I will excuse them. Thank you.

14 THE COURT: Give them a lot of thanks. We got more
15 than we needed, which is surprising. Okay. We will take a
16 break, and try and make it about a quarter after.

17 (Recessed.)

18 THE COURT: We have 19 jurors. The way we do it is
19 everybody moves up. So the last five jurors or so will not
20 be on the jury. We are only going to chose nine. Don't
21 waste challenges on ones that won't serve anyway, is what I
22 was trying to say.

23 Do you want to have the eligible jurors back on the screen
24 before you take your challenges? Or are you ready to do it
25 by their numbers and names?

1 MS. CHIEN: We can do it by their numbers and names.

2 MR. WHITEHEAD: I agree, Your Honor.

3 MS. MELL: No objection, Your Honor. Numbers and
4 names.

5 THE COURT: All right. Plaintiffs first.

6 MS. CHIEN: Plaintiffs would like to strike Juror
7 No. 5.

8 THE COURT: All right. Defense.

9 MS. MELL: Juror No. 11.

10 THE COURT: Okay. Plaintiffs.

11 MS. CHIEN: Juror No. 8, Your Honor.

12 THE COURT: All right. Defense.

13 MS. MELL: 6.

14 THE COURT: I'm sorry, 6?

15 MS. MELL: Yes, Your Honor.

16 MR. WHITEHEAD: Your Honor, as relates to Juror
17 No. 6, I wonder if counsel could articulate a reason for
18 striking No. 6. No. 6 identified herself as someone who
19 hailed from Mexico. I am struggling to understand why she
20 would be struck under these circumstances. I worry that her
21 national origin is part of the basis.

22 THE COURT: That is a fair question.

23 MS. MELL: Did you say that was a fair question for
24 me to respond to?

25 THE COURT: Yes.

1 MS. MELL: The basis for choosing to strike Juror
2 No. 6 is the response that she gave to the question about
3 whether or not the reasons for why people don't get here
4 legally was something she had personal experience with, was
5 not as easy as others on the panel indicated. They expected
6 the standards should be followed. I think it shows an
7 inherent bias based on personal experience that she's going
8 to bring to the table on whether or not somebody should be
9 obligated to follow the laws on immigration.

10 THE COURT: Mr. Whitehead.

11 MR. WHITEHEAD: Your Honor, I would just note on both
12 the jury questionnaires and during voir dire, there were a
13 number of witnesses that identified themselves as coming from
14 families of immigrants. So in that respect, Your Honor,
15 No. 6 and her experience was not unique. I am back to the
16 question of wondering why the peremptory is being exercised
17 with respect to her.

18 MS. CHIEN: The State of Washington would also add
19 she spoke and said she had never been in the detention
20 center. That wasn't her experience.

21 THE COURT: Mr. Whitehead, you are leaving this open.
22 I would like to hear your position.

23 MR. WHITEHEAD: I think the peremptory should not be
24 used. I feel it is being exercised on a discriminatory basis
25 on the basis of No. 6's national origin.

1 THE COURT: I am inclined to agree with the plaintiff
2 on this. The justification for striking, it seems to me, is
3 not a justification for excusing a juror who is an immigrant
4 and from another country. I think the Batson rules apply. I
5 will not allow the challenge to No. 6.

6 MS. MELL: Does that mean I can take another number?

7 THE COURT: I think you get three.

8 MS. MELL: I am on two. That would be Juror No. 3,
9 Your Honor.

10 THE COURT: Plaintiffs' last.

11 MS. CHIEN: Plaintiffs would like to strike Juror
12 No. 19.

13 THE COURT: Defendant's last.

14 MS. MELL: 23, Your Honor.

15 THE COURT: All right. The jury will be made up of
16 Juror Nos. 4, 6, 7, 12, 13, 14, 16, 17, and 22. All right?
17 How are we going to excuse the rest? Tyler, where are you?

18 THE CLERK: I am right here. Do you want me to bring
19 all of those back into the main room, and then you'll say
20 which ones are going to be serving on the jury?

21 THE COURT: That would be fine.

22 THE CLERK: Okay. I am going to go ahead and bring
23 all those back in up through 32 that are still here.

24 THE COURT: Just a minute. 1, 6, 7, 12, 13, 14, 16,
25 17 and 22.

1 MR. WHITEHEAD: I believe 1 was already excused.

2 MS. CHIEN: You mean 4?

3 THE COURT: I meant 4. That's my No. 1. 4 will
4 become Juror No. 1.

5 THE CLERK: Can I go ahead and bring all 19 of them
6 in?

7 THE COURT: Yes.

8 THE CLERK: Give me a minute to arrange everyone in
9 number order.

10 THE COURT: I will ask you to swear the jury in as
11 well when we finish this.

12 THE CLERK: Just a minute, Your Honor. We are having
13 problems with one of the jurors. No. 26, Mr. Minor, has been
14 able to join again. Mr. Minor, are you able to turn your
15 camera on? You are on my second page. I apologize.

16 THE COURT: They are all here?

17 THE CLERK: I believe so, Your Honor.

18 (The following occurred in the presence
19 of the prospective jury panel.)

20 THE COURT: Ms. Gorzelsky, you may be excused. Let's
21 see here. I can't read my own notes, for gosh sakes. Let me
22 do this a different way.

23 Ms. Rickabaugh, you are a member of the jury.

24 Ms. Membreno, you are a member of the jury. Ms. Tooley, you
25 are a member of the jury. Mr. Monta, you are a member of the

1 jury. Mr. Crosley, you are a member of the jury.
2 Ms. McDonald, you are a member of the jury. Ms. Farney, you
3 are a member of the jury. Somebody is out of order.
4 Ms. Burton, you are a member of the jury. And you keep
5 moving, Mr. Swessel; you are a member of the jury. That's a
6 jury of nine.

7 Some of you had too high a number and so you don't get
8 chosen for that reason. Others were challenged.

9 I would ask now that the jurors that are excused, I want
10 to thank you for your service. As I told you this morning,
11 being challenged is no personal reflection on you. The
12 lawyers have determined who remains after starting with,
13 like, 50 people this morning. If you have been excused, you
14 can sign off.

15 Those that are still on the jury should remain.
16 Ms. Rickabaugh, Ms. Membreno, Ms. Tooley, Mr. Monta,
17 Mr. Crosley, Ms. McDonald-Poper, Ms. Farney, Ms. Burton and
18 Mr. Swessel. That's the jury you selected, is it not,
19 counsel?

20 MS. CHIEN: Yes, Your Honor.

21 MR. WHITEHEAD: Yes, Your Honor.

22 MS. MELL: Yes, Your Honor.

23 THE COURT: All right. Now, you are the jury in this
24 case. I would ask you all to raise your right hands and be
25 sworn and the clerk will give you the oath to try the case.

1 THE CLERK: You and each of you do solemnly swear or
2 affirm that you will well and truly try the cause in the
3 matter now pending before the Court and a true verdict
4 therein render according to the evidence and the law? Please
5 say "I do."

6 (Jurors respond affirmatively.)

7 THE COURT: Okay. I guess I expect you to all say it
8 at once. Ms. Tooley, you are the last one with your hand up,
9 did you say "I do"?

10 JUROR 7: I said, "I do."

11 THE COURT: Folks, you are now the jury in this case.
12 I want to give you some instructions that will cover our
13 procedure and some of the legal concepts that you should be
14 aware of. I am mindful of the time. After this bit of
15 instruction, it will be about quitting time and we will start
16 with the trial itself in the morning.

17 The case will proceed in the same fashion that American
18 courts of all levels follow. First, lawyers for each party
19 will have the opportunity to make opening statements to you
20 outlining their position and what they believe the evidence
21 will be. Then each plaintiff may introduce evidence, and
22 counsel for the defense will have the opportunity to
23 cross-examine the plaintiffs' witnesses.

24 After each plaintiff has rested or concluded their
25 presentation of evidence, the defendant may introduce

1 evidence and counsel for plaintiffs may cross-examine
2 defendant's witnesses. Rebuttal evidence may also be
3 introduced.

4 After all of the evidence is presented, I will instruct
5 you further on the law. Those written instructions will be
6 available to you during your deliberations.

7 After instructions, the parties will present their final
8 arguments to you. After that, you will deliberate together
9 to reach a verdict. This case, as in all federal cases,
10 requires a unanimous verdict.

11 Now, I want to tell you about some of the law and
12 procedures that apply here. The law treats all parties
13 equally, whether they are corporations, government entities,
14 a class, or individuals. That means that corporations,
15 government entities, classes, and individuals are to be
16 treated in the same fair and unprejudiced manner.

17 Corporations and government entities can only act through
18 their employees, agents or officers. Therefore, corporations
19 and government entities are responsible for the acts of their
20 employees, agents and officers performed within the scope of
21 their authority.

22 When a party has the burden of proving any claim or
23 affirmative defense by a preponderance of evidence, it means
24 you must be persuaded by the evidence that the claim or
25 affirmative defense is more probably true than not true. You

1 should base your decision on all of the evidence regardless
2 of which party presented it. The evidence you are to
3 consider in deciding what the facts are consists of the sworn
4 testimony of the witnesses, the exhibits that are admitted
5 into evidence, and any facts to which the lawyers have agreed
6 and any facts that I have instructed you to accept as proved.

7 In reaching your verdict, you may consider only the
8 testimony and exhibits received into evidence. Certain
9 things are not evidence, and you may not consider them in
10 deciding what the facts are. I will list them for you.
11 Arguments and statements by lawyers are not evidence. The
12 lawyers are not witnesses. What they may say in their
13 opening statements, closing arguments and at other times is
14 intended to help you interpret the evidence, but it is not
15 evidence. If the facts as you remember them differ from the
16 way the lawyers have stated them, your memory of them
17 controls.

18 Questions and objections by lawyers are not evidence.
19 Attorneys have a duty to their clients to object when they
20 believe a question is improper under the rules of evidence.
21 You should not be influenced by the objection or by the
22 Court's ruling on it.

23 Testimony that is excluded or stricken or that you have
24 been instructed to disregard is not evidence and must not be
25 considered. In addition, some evidence may be received only

1 for a limited purpose. When I instruct you to consider
2 certain evidence only for a limited purpose, you must do so
3 and you may not consider that evidence for any other purpose.

4 Anything you may see or hear when the court was not in
5 session is not evidence. You are to decide the case solely
6 on the evidence received at trial.

7 Evidence may be direct or circumstantial. Direct evidence
8 is direct proof of a fact such as testimony by a witness
9 about what that witness personally saw or heard or did.

10 Circumstantial evidence is proof of one or more facts from
11 which you could find another fact. You should consider both
12 kinds of evidence. The law makes no distinction between the
13 weight to be given to either direct or circumstantial
14 evidence. It is for you to decide how much weight to give to
15 any evidence.

16 By way of example, if you wake up in the morning and see
17 that the sidewalk is wet, you may find from that fact that it
18 rained during the night. However, other evidence such as a
19 turned-on garden hose may provide a different explanation for
20 the presence of water on the sidewalk. Therefore, before you
21 decide that a fact has been proved by circumstantial
22 evidence, you must consider all the evidence in light of
23 reason, experience and common sense.

24 There are rules of evidence that controls what can be
25 received in evidence. When a lawyer asks a question or

1 offers an exhibit into evidence, and a lawyer on the other
2 side thinks it is not permitted by the rules of evidence, the
3 lawyer may object. If I overrule the objection, the question
4 may be answered or the exhibit received. If I sustain the
5 objection, the question cannot be answered and the exhibit
6 cannot be received. When I sustain an objection to a
7 question, you must ignore the question and not guess what the
8 answer might have been.

9 Sometimes -- this is partly a repeat from an instruction I
10 have already given you. Sometimes I may order that evidence
11 be stricken from the record and that you disregard or ignore
12 that evidence. That means you are -- when you are deciding
13 the case, you must not consider the stricken evidence for any
14 purpose.

15 In deciding the facts in this case, you may have to decide
16 which testimony to believe and which testimony not to
17 believe. You may believe everything a witness says or part
18 of it or none of it. In considering the testimony of any
19 witness, you may take into account a number of things that I
20 will list for you. You may consider the opportunity and
21 ability of the witness to see or hear or know the things
22 testified to, the witness's memory, the witness's manner
23 while testifying, the witness's interest in the outcome of
24 the case, if any, the witness's bias or prejudice, if any,
25 whether other evidence contradicted the witness's testimony

1 or supported it, the reasonableness of the witness's
2 testimony in light of all the evidence and any other factors
3 that bear on believability.

4 Sometimes a witness may say something that is not
5 consistent with something else he or she said. Sometimes
6 different witnesses will give different versions of what
7 happened. People often forget things or make mistakes in
8 what they remember. Also, two people may see the same event
9 but remember it differently. You may consider these
10 differences. If you think the witness testified untruthfully
11 about some things but told the truth about others, you may
12 accept the part you think is true and ignore the rest.

13 The weight of the evidence as to a fact does not
14 necessarily depend on the number of witnesses who testify.
15 What is important is how believable the witnesses were and
16 how much weight you think their testimony deserves. You
17 should avoid bias in assessing witness credibility on account
18 of the person's race, color, religious beliefs, national
19 ancestry, sexual orientation, gender, gender identity,
20 immigration status, political affiliation or economic
21 circumstances. Also, do not allow yourself to be influenced
22 by personal likes or dislikes, sympathy, prejudice, fear,
23 public opinion or biases, including unconscious biases.

24 Unconscious biases are stereotypes, attitudes or
25 preferences that people may consciously reject but may be

1 expressed without conscious awareness, control or intention.
2 Like conscious bias, unconscious bias can affect how we
3 evaluate information and make decisions.

4 Now, I want to say a little bit about your conduct as
5 jurors. This instruction will be with you throughout the
6 trial, and I'll refer to parts of it from time to time as we
7 go along to remind you. First, keep an open mind throughout
8 the trial. Do not decide what the verdict should be until
9 you and your fellow jurors have completed your deliberations
10 at the end of the case.

11 Second, because you must decide this case based only on
12 the evidence received in the case and on my instructions as
13 to the law that applies, you must not be exposed to any other
14 information about the case or the issues it involves during
15 the course of your jury service. Thus, until the end of the
16 case or unless I tell you otherwise, do not communicate with
17 anyone in any way and do not let anyone else communicate with
18 you in any way about the merits of the case or about anything
19 to do with it.

20 This includes discussing the case in person, in writing,
21 by phone or electronic means, by email, text messaging or any
22 internet chat room, blog, website or application including,
23 but not limited to Facebook, YouTube, Twitter, Instagram,
24 TikTok, LinkedIn, Snapchat or any other forms of social
25 media.

1 This applies to communicating with your fellow jurors
2 until I give you the case for deliberation. It applies to
3 communicating with everyone else, including your family
4 members, your employer, the media or press and the people
5 involved in the trial. You may notify your family and your
6 employer that you have been seated as a juror in the case and
7 how long you expect the trial to last. If you are asked or
8 approached in any way about your jury service or anything
9 about this case, you must respond that you have been ordered
10 not to discuss the matter and report the contact to the
11 Court.

12 Because you will receive all the evidence and legal
13 instructions you properly may consider to return a verdict,
14 do not read, watch or listen to any news or media accounts or
15 commentary about the case or anything to do with it. Do not
16 do any research such as consulting dictionaries, searching
17 the internet, or using other reference materials, and do not
18 make any investigation or in any other way try to learn about
19 the case on your own. Do not visit or view any place
20 discussed in the case, and do not use internet programs or
21 other devices to search for or view any place discussed
22 during the trial. Also, do not do any research about the
23 case, the law, or the people involved, including the parties,
24 the witnesses and the lawyers until you have been excused as
25 jurors. If you happen to read or hear anything touching on

1 this case in the media, turn away and report it to me as soon
2 as possible.

3 These rules protect each party's right to have the case
4 decided only on the evidence that has been presented here in
5 court. Witnesses here in court take an oath to tell the
6 truth and they are -- and the accuracy of their testimony is
7 tested through the trial process. If you do any research or
8 investigation outside the courtroom or gain any information
9 through improper communications, then your verdict may be
10 influenced by inaccurate, incomplete or misleading
11 information that has not been tested by the trial process.

12 Each of the parties is entitled to a fair trial by an
13 impartial jury, and if you decide the case based on
14 information not presented in court, you will have denied the
15 parties a fair trial.

16 Remember, you have taken an oath to follow the rules, and
17 it is very important you follow these rules. A juror who
18 violates these restrictions jeopardizes the fairness of these
19 proceedings, and a mistrial could result that would require
20 the entire process to start over.

21 If any juror is exposed to any outside information, please
22 notify the Court immediately. If there is any news account,
23 news media account or commentary about the case or anything
24 to do with it, you must ignore it. You must not read, watch
25 or listen to any news media account or commentary about the

1 case or anything to do with it. The case must be decided by
2 you solely and exclusively on the evidence that will be
3 received in the case and on my instructions as to the law
4 that applies. If any juror is exposed to outside
5 information, please notify the Court immediately.

6 I urge to you pay close attention to the trial testimony
7 as it is given. During deliberations, you will not have a
8 transcript of the testimony to consult.

9 If you wish, you may take notes to help you remember and
10 understand the evidence. If you do take notes, keep them to
11 yourself until you begin your deliberations. Do not let
12 note-taking distract you. Whether or not you take notes, you
13 should rely on your memory of the evidence. Notes are only
14 to assist your memory. You should not be overly influenced
15 by your notes or those of other jurors.

16 From time to time throughout the trial it becomes
17 necessary for me to talk with the lawyers outside your
18 hearing. I would call a recess for that purpose. Please
19 understand that while you are waiting, we are working. The
20 purpose of these conferences is not to keep relevant evidence
21 from you, but to decide how certain evidence is to be treated
22 under the rules of evidence to avoid confusion and error and
23 to decide procedural matters.

24 I am running out of voice. That should make you happy.
25 We are almost done here.

1 The purpose of these conferences is not to keep relevant
2 evidence from you, but to decide how certain evidence is to
3 be treated under the rules of evidence and to avoid confusion
4 and error. We will do what we can to keep the number and
5 length of these conferences to a minimum. I may not always
6 grant a lawyer's request for a conference. Do not consider
7 my granting or denying a request for a conference as any
8 indication of my opinion of the case or what your verdict
9 should be.

10 As jurors, you are officers of the court. You must act
11 judiciously, with an earnest desire to determine and declare
12 a proper verdict. Throughout the trial, you should be
13 impartial and permit neither sympathy nor prejudice to
14 influence you.

15 Now, ladies and gentlemen, I want you to know, I have told
16 you about don't communicate regarding the case. When you are
17 excused to a chat room as a group, it is perfectly okay for
18 you to talk to each other about things not involving the
19 trial. So I would hope you have an opportunity to become
20 friendly with each other and with the understanding that you
21 are going to be working together, including your
22 deliberations at the end of the case. So you are not
23 prohibited from talking with each other about other matters.

24 We will reconvene tomorrow morning at 9:00. I would ask
25 all of you to be standing by, ready to come to court through

1 your computers at that time.

2 Ms. Tooley, I believe you had -- I am not sure I have your
3 name right. Juror No. 3, you were going to report on the
4 progress of your computer situation.

5 JUROR NO. 3: I talked to my father. He said it
6 shouldn't be a problem. They use it for church on Sundays
7 and that's about it.

8 THE COURT: Okay. Fine. Thank you very much. We
9 will see you tomorrow morning at 9:00, and we will begin the
10 case itself with opening statements of counsel.

11 Just one second, please. I have some questions.

12 Juror No. 8.

13 JUROR NO. 8: Real quick. Will we get another email
14 with another link to the Zoom meeting, or are we using the
15 same Zoom meeting?

16 THE COURT: I should say that Tyler is your boss here
17 while you are on jury duty. He is the one that can answer
18 that question for you.

19 THE CLERK: Yes, I am about to hit "send" on an email
20 to everyone with the links for the next several weeks, some
21 instructions, and my contact information, of course, if you
22 need to get ahold of me.

23 THE COURT: Any other questions? Okay. This has
24 been a long day. A lot of waiting for you, I know. Things
25 will get interesting from here on out, I promise you. I look

1 forward to seeking justice along with you for the next few
2 weeks.

3 Thank you. You may all be excused.

4 (The following occurred outside the presence of the jury.)

5 THE COURT: Counsel, do we have anything we have to
6 talk about?

7 THE CLERK: Just a minute, Your Honor. Juror No. 4
8 is still here. We are good to go.

9 THE COURT: Can you hear me? I am not muted.

10 THE CLERK: We can hear you, Your Honor.

11 THE COURT: I read the agreed facts at the
12 introduction to the case. I am curious what form you wish to
13 introduce those facts to the jury. We can do it by jury
14 instruction or by making an exhibit out of that or whatever
15 you choose. I don't want to go into that now. I wanted to
16 raise the question so you'll be thinking about it to present
17 those things at the proper time and in an appropriate way.

18 All right. Any questions? Okay. See you tomorrow at
19 9:00.

20 MS. CHIEN: Did the parties want to discuss some
21 opening statement objections?

22 MS. SCHEFFEY: I am ready to move on if you can hear
23 me. Can you hear me, Your Honor?

24 THE COURT: Opening statement objections?

25 MS. CHIEN: The parties --

1 THE COURT: Okay. Let's talk about it, as long as I
2 don't have to talk too much. What objection?

3 MS. CHIEN: The parties have several -- have
4 exchanged demonstratives and exhibits and have a couple
5 issues. I think from the State's perspective, as opposed to
6 GEO, for GEO's opening they flagged they plan to do some
7 callouts of laws, public laws and federal laws in their
8 opening statement. We believe any argument regarding the law
9 should be excluded during opening statements.

10 MS. SCHEFFEY: Your Honor, in response --

11 THE COURT: Wait a minute. It is not argument.
12 Opening statement is not argument.

13 Ms. Scheffey, is that your area?

14 MS. SCHEFFEY: Yes, Your Honor, I'll be addressing
15 that area. We are not going to make argument. We will seek
16 the text of the law.

17 THE COURT: You got a terrible echo.

18 MS. SCHEFFEY: Hold on one second. Is this any
19 better, Your Honor?

20 THE COURT: Well, I think so. Go ahead.

21 MS. SCHEFFEY: As to the statement about the law, we
22 do not plan to make an argument about the law. As you know,
23 one of GEO's defenses is the law discriminates against GEO,
24 so GEO does intend to show the text of the law to say this is
25 what we will argue as discriminatory.

1 MS. CHIEN: The blowups that GEO flagged are not just
2 limited to the State's minimum wage law. Also, I believe
3 public law, federal law, which would have nothing to do with
4 whether or not our state law discriminates against GEO.

5 MS. SCHEFFEY: My understanding is those would also
6 be images that show -- you will hear testimony that Congress
7 set X, Y and Z rate for detention facilities.

8 THE COURT: I will tell the jury what the law is when
9 the time comes. It should not be used in opening statement.
10 That is a statement of what the law is. I would agree with
11 that objection.

12 What else?

13 MS. SCHEFFEY: Your Honor, the State and private
14 plaintiffs both intend to use demonstratives that they have
15 created that we do not believe are based on evidence that is
16 likely to come in. One --

17 THE COURT: Wait a minute. I'm sorry, you are still
18 echoing real bad. I don't know what kind of -- are you in a
19 jail cell? Things might echo in the jail cell.

20 MS. SCHEFFEY: I am. I am in jail.

21 MS. MELL: She can walk down and use my spot.

22 MS. SCHEFFEY: That's okay.

23 MS. MELL: If you have not had trouble hearing me, we
24 will put her in my space for the argument.

25 THE COURT: That's fine. I don't know what it is

1 that is causing that.

2 MS. MELL: It will just take a second.

3 THE COURT: There you go.

4 MS. SCHEFFEY: Can you hear me now, Your Honor? I
5 sound like that bad commercial for cell phone service.

6 We have been sent some slides from the State and private
7 plaintiffs that they intend to use as demonstratives in their
8 opening.

9 The first slide I will speak to is the State's. The slide
10 is based upon Exhibit 602, which we discussed at length in
11 our April 28 hearing. Your Honor's ruling was you would need
12 to hear foundation before you knew whether it could come in
13 or not. We believe that is not admissible in opening and
14 should not be shown to the jury, the demonstrative based on
15 evidence that is likely to come in.

16 THE COURT: What is 602?

17 MS. SCHEFFEY: 602 is the assessment underlying the
18 letter, the letter that was sent to ICE talking about the
19 legal costs and cost of defending against these cases, some
20 of the numbers that no one has gotten any testimony about
21 during deposition, and GEO has argued are privileged under
22 408.

23 MS. CHIEN: For the State, we would take issue with
24 the idea that no one has been deposed about it. Mr. Evans,
25 the CFO of GEO, testified he created the document from 602 in

1 support of GEO's request for equitable adjustment and
2 includes the number of employees that GEO calculated would be
3 needed to replace detainee labor if detainee workers weren't
4 hired. Says GEO did the analysis and determined that 85
5 full-time employees would be necessary to replace detainee
6 labor in the facility. We think that is directly relevant as
7 to whether or not detainee labor is integral to GEO's
8 business.

9 MS. SCHEFFEY: That testimony is not in Mr. Evans'
10 deposition because the exhibit was not presented to him. It
11 had not yet been ordered to be disclosed. He did not provide
12 testimony about if he knew what it was, whether he created it
13 or used it. I mean, this is very much not appropriate for
14 opening. If they want to use it in closing and it comes in,
15 that's fine. Right now, you specifically said the foundation
16 remains important and that was how you would determine
17 whether or not it would be admissible at trial. We still
18 haven't gotten that foundation. It should not be used in
19 opening, let alone as a demonstrative that takes out one
20 small section of that.

21 THE COURT: The bottom line is I agree with this
22 objection. It is not a time -- opening statement is when you
23 can tell the jury what you believe the evidence would show.
24 A contested exhibit should not be shown to the jury. That is
25 my ruling on that objection.

1 MS. CHIEN: Thank you, Your Honor.

2 MS. SCHEFFEY: Similarly, Mr. Whitehead and the
3 private plaintiffs intend to use certain slides they have
4 created that they say are based upon what they expect the
5 testimony will be, and some of the exhibits -- they have not
6 identified specific exhibits.

7 MR. WHITEHEAD: Not to cut you off. It is late in
8 the day.

9 THE COURT: Wait a minute. Every once in awhile, for
10 no good reason, my left hearing aid cuts out. It has
11 something to do with advancing age.

12 Mr. Whitehead.

13 MR. WHITEHEAD: I apologize for interrupting. I
14 wanted to jump to the chase. Emails were flying late last
15 night. I am not quite sure where we left off in the
16 exchange. We won't use the slides. I have adjusted the
17 PowerPoint accordingly. I think it is a moot issue on the
18 slides Ms. Scheffey is addressing right now.

19 MS. SCHEFFEY: Thank you, Jamal.

20 THE COURT: What else?

21 MS. SCHEFFEY: Photos, are we still going to address
22 those?

23 MS. CHIEN: I think we are okay with using photos.

24 MR. WHITEHEAD: We are okay.

25 MS. SCHEFFEY: Are you withdrawing your objection to

1 our use of photos as well?

2 MR. WHITEHEAD: Yes.

3 MS. CHIEN: Yes.

4 MS. SCHEFFEY: That is it, Your Honor.

5 THE COURT: Okay. Long day, at least for me. This
6 is not the easiest way to choose a jury. Maybe it is easier,
7 but it is not as much fun as having them in court where you
8 can communicate better.

9 Thank you, all. See you in the morning.

10 MR. WHITEHEAD: Thank you, Your Honor.

11 (The proceedings adjourned.)

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C E R T I F I C A T E

I certify that the foregoing is a correct transcript from
the record of proceedings in the above-entitled matter.

/s/ Angela Nicolavo

ANGELA NICOLAVO
COURT REPORTER